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LEGISLATIVE HISTORY
Public Law 91-224
H. R. 4148

TABLE OF CONTENTS

Index and summary of H. R. 4148. 1
Digest of Public Law 91-224 2

INDEX AND SUMMARY OF H. R. 4148

Jan.	15, 1969	Sen. Muskie, et al, introduced S. 7 which was referred to Senate Public Works Committee. Print of bill as introduced.
Jan.	23, 1969	Rep. Fallon introduced H. R. 4148 which was referred to House Public Works Committee. Print of bill as introduced.
Mar.	20, 1969	House committee voted to report H. R. 4148.
Mar.	25, 1969	House committee reported H. R. 4148 with an amendment. H. Report No. 91-127. Print of bill and report.
Mar.	26, 1969	House Rules Committee reported a resolution for consideration of H. R. 4148. H. Res. 340, H. Rept. 91-140. Print of resolution and report.
April	15, 1969	House began debate on H. R. 4148.
April	16, 1969	House passed H. R. 4148 with amendments.
June	26, 1969	Senate subcommittee voted to approve S. 7.
July	24, 1969	Senate committee voted to report S. 7.
Aug.	7, 1969	Senate committee reported S. 7 with amendments. S. Report No. 91-351. Print of bill and report.
Oct.	7, 1969	Senate began debate on S. 7.
Oct.	8, 1969	Senate passed H. R. 4148 with amendment (substituting language of S.7 . Senate conferees were appointed. S. 7 indefinitely postponed due to the passage of H. R. 4148.
Oct.	9, 1969	House conferees were appointed on H. R. 4148.
Mar.	12, 1970	Conferees agreed to file a report.
Mar.	24, 1970	House received conference report. H. Report No. 91-940. Print of report. Senate agreed to conference report.

Mar. 25, 1970 House agreed to conference report.

April 3, 1970 Approved: Public Law 91-224.

Hearings: S. committee on S. 7. Parts 1 - 4
H. committee on H. R. 4148

91ST CONGRESS
1ST SESSION

S. 7

IN THE SENATE OF THE UNITED STATES

JANUARY 15 (legislative day, JANUARY 10), 1969

Mr. MUSKIE (for himself, Mr. BAKER, Mr. BOGGS, Mr. BURDICK, Mr. BYRD of West Virginia, Mr. CASE, Mr. COOPER, Mr. DODD, Mr. ERVIN, Mr. FONG, Mr. HART, Mr. INOUYE, Mr. KENNEDY, Mr. MAGNUSON, Mr. MANSFIELD, Mr. METCALF, Mr. MONDALE, Mr. MONTOYA, Mr. MOSS, Mr. NELSON, Mr. RANDOLPH, Mr. RIBICOFF, Mr. SPONG, Mr. TYDINGS, Mr. WILLIAMS of New Jersey, and Mr. YOUNG of Ohio) introduced the following bill; which was read twice and referred to the Committee on Public Works

A BILL

To amend the Federal Water Pollution Control Act, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Water Quality Improvement Act of 1969".

SEC. 2. Sections 17 and 18 of the Federal Water Pollution Control Act, as amended, are hereby repealed. Section 19 of the Federal Water Pollution Control Act, as amended, is redesignated as section 20. Sections 11 through 16 of the Federal Water Pollution Control Act, as amended, are redesignated as sections 14 through 19. The Federal Water

Pollution Control Act, as amended, is further amended by inserting after section 10 three new sections to read as follows:

"CONTROL OF SEWAGE FROM VESSELS

"SEC. 11. (a) For the purpose of this section, the term—

"(1) 'new vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which is completed after promulgation of standards and regulations under this section;

"(2) 'existing vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which has been completed before promulgation of standards and regulations under this section;

"(3) 'public vessel' means a vessel owned or bareboat chartered and operated by the United States, by a State or political subdivision thereof, or by a foreign nation or by a political subdivision thereof, except in any case in which such vessel is used primarily to carry freight or passengers or to engage in commercial fishing;

"(4) 'United States' includes the Commonwealth

of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands;

"(5) 'marine sanitation device' means any equipment for installation on board a vessel which is designed to receive, retain, treat, or discharge sewage;

"(6) 'sewage' means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

"(7) 'manufacturer' means any person engaged in the manufacturing, assembling, or importation of marine sanitation devices or of vessels having installed on board such devices; and

"(8) 'person' means an individual, partnership, firm, corporation, or association, but does not include an individual on board a public vessel.

"(b) (1) As soon as possible after the enactment of this section, the Secretary, after consultation with the Secretary of the department in which the Coast Guard is operating, after giving appropriate consideration to the economic costs involved and within the limits of available technology, shall promulgate Federal standards of performance for marine sanitation devices (hereinafter referred to as 'standards') which shall be designed to prevent the discharge of untreated or inadequately treated sewage into or upon the navigable waters of the United States from

new vessels and existing vessels, except vessels not equipped with installed toilet facilities. Such standards shall be consistent with maritime safety and the marine and navigation laws and regulations and shall be coordinated with the regulations issued under this subsection by the Secretary of the department in which the Coast Guard is operating. The Secretary of the department in which the Coast Guard is operating shall promulgate regulations, which are consistent with the standards issued under this subsection and with maritime safety and the marine and navigation laws and regulations, governing the design, construction, installation, and operation of any marine sanitation device on board such vessels.

"(2) Any existing vessel equipped with a device or devices installed pursuant to the requirements of State statute, regulation, or recommended levels of control set forth in the Handbook on Sanitation and Vessel Construction (Public Health Service, 1965) prior to the promulgation of the initial standards and regulations required by this section shall be deemed in compliance with this section until such time as the device or devices are replaced or are found not to be in compliance with such State statute, regulation, or recommended level.

"(c) (1) Initial standards and regulations under this section shall become effective for new vessels two years after

promulgation; but not earlier than December 31, 1971, and for existing vessels five years after promulgation. Revisions of standards and regulations shall be effective upon promulgation, unless another effective date is specified.

"(2) The Secretary and the Secretary of the department in which the Coast Guard is operating with regard to their respective regulatory authority established by this section, may distinguish among classes, types, and sizes of vessels as well as between new and existing vessels, and may waive applicability of standards and regulations as necessary or appropriate for such classes, types, and sizes of vessels, and, upon application, for individual vessels.

"(d) The provisions of this section and the standards and regulations promulgated thereunder shall apply to vessels owned and operated by the United States unless the Secretary of Defense finds that compliance would not be in the interest of national security.

"(e) Before the standards and regulations under this section are promulgated, the Secretary and the Secretary of the department in which the Coast Guard is operating shall consult with the Secretary of State; the Secretary of Health, Education, and Welfare; the Secretary of Defense; the Secretary of Commerce; other interested Federal agencies; and the States and industries interested; and otherwise comply

with the requirements of section 553 of title 5 of the United States Code.

"(f) (1) After the effective date of this section, no State or political subdivision thereof shall adopt or enforce any statute or regulation with respect to the use of any marine sanitation device with any vessel subject to the provisions of this section, except as provided in this subsection.

"(2) Any State or political subdivision thereof having, on the effective date of this section, any statute or regulation with respect to such a device may continue to enforce such statute or regulation unless the Secretary or the Secretary of the department in which the Coast Guard is operating determines, in accordance with section 553, title 5 of the United States Code, that said statute or regulation is inconsistent or in conflict with any standard or regulation promulgated under this section. Any such determination shall be subject to judicial review in the United States Court of Appeals for the circuit in which such State or subdivision is located and such court shall have jurisdiction to hear and decide such matters.

"(g) (1) No manufacturer of a marine sanitation device shall sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States for sale or resale any marine sanitation device manufactured after the effective date of the standards and regula-

tions promulgated under this section unless such device is in all material respects substantially the same as a test device certified under this subsection.

"(2) Upon application of the manufacturer, the Secretary of the department in which the Coast Guard is operating shall so certify a marine sanitation device if he determines, in accordance with the provisions of this paragraph, that it meets the appropriate standards and regulations promulgated under this section. The Secretary of the department in which the Coast Guard is operating shall test or require such testing of the device in accordance with procedures set forth by the Secretary as to standards of performance and for such other purposes as may be appropriate. The Secretary, upon notification of the results of such tests, shall determine if such results are in accordance with the appropriate performance standards promulgated under this section and shall notify the Secretary of the department in which the Coast Guard is operating of his determination. Upon such notification the Secretary of the department in which the Coast Guard is operating, if he determines that the device is satisfactory from the standpoint of safety and any other requirements of maritime law or regulation, and after consideration of the design, installation, operation, material, or other appropriate factors, shall certify the device. Any device manufactured by such manufacturer which is in all material respects substan-

tially the same as the certified test device shall be deemed to be in conformity with the appropriate standards and regulations established under this section.

"(3) Every manufacturer shall establish and maintain such records, make such reports, and provide such information as the Secretary or the Secretary of the department in which the Coast Guard is operating may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this section and regulations thereunder and shall, upon request of an officer or employee duly designated by the Secretary or the Secretary of the department in which the Coast Guard is operating, permit such officer or employee at reasonable times to have access to and copy such records. All information reported to, or otherwise obtained by, the Secretary or the Secretary of the department in which the Coast Guard is operating or their representatives pursuant to this subsection which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this section.

"(h) After the effective date of standards and regulations promulgated under this section, it shall be unlawful—

"(1) for the manufacturer of any vessel subject to

such standards and regulations to manufacture for sale, to sell or offer for sale, or to distribute for sale or resale any such vessel unless it is equipped with a marine sanitation device which is in all material respects substantially the same as the appropriate test device certified pursuant to this section;

"(2) for any person, prior to the sale or delivery of a vessel subject to such standards and regulations to the ultimate purchaser, wrongfully to remove or render inoperative any certified marine sanitation device or element of design of such device installed in such vessel;

"(3) for any person to fail or refuse to permit access to or copying of records or to fail to make reports or provide information required under this section; and

"(4) for a vessel subject to such standards and regulations to discharge sewage into or upon the navigable waters of the United States, except with the use of a marine sanitation device certified pursuant to this section.

"(i) The district courts of the United States shall have jurisdiction to restrain violators of subsection (h) (1) through (3) of this section. Actions to restrain such violators shall be brought by, and in, the name of the United States. In any such action, subpenas for witnesses who are

required to attend a district court in any district may run into any other district.

"(j) Any person who violates clauses (1) or (2) of subsection (h) of this section shall be liable to a civil penalty of not more than $5,000 for each violation. Any person who violates clause (4) of subsection (h) of this section shall be liable to a civil penalty of not more than $2,000 for each violation. Each violation shall be a separate offense. The Secretary of the department in which the Coast Guard is operating may assess and compromise any such penalty. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by said Secretary.

"(k) The provisions of this section shall be enforced by the Secretary of the department in which the Coast Guard is operating and he may utilize by agreement, with or without reimbursement, law-enforcement officers or other personnel and facilities of the Secretary, other Federal agencies, or the States to carry out the provisions of this section.

"(l) Anyone authorized by the Secretary of the department in which the Coast Guard is operating to enforce the provisions of this section may, except as to public vessels, (1) board and inspect any vessel upon the navigable waters

of the United States, (2) with or without a warrant arrest any person who violates the provisions of this section or any regulation issued thereunder in his presence or view, and (3) execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(m) In the case of Guam, actions arising under this section may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions.

"CONTROL OF OIL DISCHARGES

"SEC. 12. (a) For the purpose of this section, the term—

"(1) 'oil' means oil of any kind or in any form, including, but not limited to, petroleum, fuel, oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil;

"(2) 'discharge' means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping;

"(3) 'vessel' includes every description of water craft or other artificial contrivance used, or capable of being used, as a means of transportation on water;

"(4) 'public vessel' means a vessel owned or bareboat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation or political subdivision thereof, except in any case in which such vessel is used primarily to carry freight or passengers or to engage in commercial fishing;

"(5) 'United States' includes the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

"(6) 'owner or operator' means any person owning, operating, or chartering by demise, a vessel; and

"(7) 'person' includes an individual, firm, corporation, association, or a partnership.

"(b) (1) Except in case of an emergency imperiling life or property or an act of war, or an unavoidable accident, collision, or stranding, or act of sabotage, or except as otherwise permitted by regulations issued by the Secretary under this section, any owner or operator who, either directly or through any person, whether or not his servant or agent, concerned in the operation, navigation, or management of the vessel, discharges or permits the discharge of oil from a vessel by any method, means, or manner into or upon the navigable waters of the United States or adjoining shore-

lines, shall be punished in accordance with the provisions of this subsection.

"(2) The owner or operator of any vessel (other than a public vessel) or any such vessel which willfully or negligently discharges oil in violation of paragraph (1) of this subsection shall be assessed a civil penalty by the Secretary of not more than $10,000 for each offense. Each violation is a separate offense. Any such civil penalty may be compromised by the Secretary. In determining the amount of the penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the owner or operator of the vessel charged, the effect on the owner or operator's ability to continue in business, and the gravity of the violation, shall be considered by the Secretary. The district director of customs at the port or place of departure from the United States shall withhold, at the request of the Secretary, the clearance required by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C. 91), of any vessel subject to the foregoing penalty. Clearance may be granted in such cases upon the filing of a bond or other surety satisfactory to the Secretary. Such penalty shall constitute a maritime lien on such vessel which may be recovered by action in rem in the district court of the

United States for any district within which such vessel may be found.

"(c) (1) Any person who discharges or permits or causes or contributes to the discharge of oil in substantial quantities from any source into or upon the navigable waters of the United States or adjoining shorelines, shall immediately notify the Secretary or his delegate of such discharge. Any person subject to the jurisdiction of the United States who knowingly fails to make such notification immediately shall, upon conviction, be fined not more than $5,000, or imprisoned not more than one year, or both.

"(2) Whenever advice is received of any discharge of oil into or upon any waters, shorelines, or beaches, the United States may, unless arrangements for removal of the discharged oil have been made pursuant to paragraph (4) or (5), remove or arrange for the removal thereof in accordance with the regulations prescribed under subsection (g) of this section when, in the judgment of the Secretary, such oil presents a pollution hazard to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife, or to shorelines and beaches of the United States.

"(3) There is hereby authorized to be appropriated to a revolving fund to be established in the Treasury to carry out the provisions of paragraphs (2), (4), or (5) of this subsec-

tion such sums as may be necessary. Any funds received by the United States under this section shall also be deposited in said fund for such purposes. All sums appropriated to, or deposited in, said fund shall remain available until expended.

"(4) The owner or operator of any vessel who, either directly or through any person, whether or not his servant or agent, concerned in the operation, navigation, or management of the vessel, willfully or negligently discharges or permits or causes or contributes to the discharge of oil into or upon the navigable waters of the United States or adjoining shorelines shall immediately remove such oil from such waters or shorelines in accordance with the regulations issued under this section. If such oil is not removed the Secretary is authorized to remove it, and such owner or operator, and, as appropriate, the vessel shall be liable to the United States for the full amount of the actual costs reasonably incurred under this subsection for the removal of such oil by the United States. Such aggregate liability under this paragraph for the cost of removal of discharged oil or matter shall not exceed $15,000,000, or $450 per registered gross ton of such offending vessel, whichever is the lesser amount. The district director of customs at the port or place of departure from the United States shall withhold, at the request of the Secretary, the clearance required by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C.

91), of a vessel, other than a public vessel, liable for such costs until such costs are paid or until a bond or other surety satisfactory to the Secretary is posted. Such costs shall constitute a maritime lien on such vessel which may be recovered in an action in rem in the district court of the United States for any district within which such vessel may be found.

"(5) Any person who owns or operates an onshore or offshore facility, other than a vessel, of any kind, who either directly or through any person, whether or not his servant or agent, concerned in the operation or management of such facility, willfully or negligently discharges or permits or causes or contributes to the discharge of oil into or upon the navigable waters of the United States or adjoining shorelines shall immediately remove such oil from such waters or shorelines in accordance with the regulations issued under this section. If such oil is not removed the Secretary is authorized to remove it, and such person shall be liable to the United States for the full amount of the actual costs reasonably incurred by the Secretary for such removal. Such aggregate liability under this paragraph shall not exceed $15,000,000.

"(6) The removal of oil under this subsection shall be carried out in accordance with the regulations prescribed under subsection (e) of this section.

"(7) For the purpose of insuring the efficient and

economic removal of oil under subsection (c) (2) of this section, the President shall within ninety days after enactment of this subsection, delegate, by agreement, to the Secretary, the Secretary of the department in which the Coast Guard is operating, the Secretary of Defense, and other appropriate Federal agencies all or part of the responsibility under subsection (c) (2) of this section for removing discharged oil, in accordance with a national contingency plan or revision thereof, approved by the President, establishing procedures to be followed in removing such oil. The Secretary is authorized to make, from any moneys in the fund established by this subsection, available to such Federal agencies such sums as may be necessary to effectuate such removal. Each such agency, in order to avoid duplication of effort, shall, whenever practicable, utilize with or without reimbursement the personnel, services, and facilities of other Federal agencies.

"(d) (1) In any action instituted by the United States under subsection (c) (4) of this section, evidence of a discharge of oil from a vessel shall constitute a prima facie case of liability on the part of the owner or operator thereof and the burden of rebutting such prima facie case shall be upon such owner or operator. The United States shall also have cause of action under subsection (c) (4) of this section

against any owner or operator of a vessel whose willful act or negligence is found to have caused or contributed to the discharge of oil from a vessel involved in a collision or other casualty. The burden of rebutting the prima facie case of liability which the United States shall have against a vessel or the owner or operator thereof from which the oil is discharged shall in no way affect any rights which such owner or operator may have against any other vessel or owner or operator or other persons whose willful act or negligence may in any way have caused or contributed to such discharge.

"(2) In any action instituted by the United States under subsection (c) (5) of this section, evidence of a discharge of oil from an onshore or offshore facility of any kind, other than a vessel, shall constitute a prima facie case of liability on the part of any person who owns or operates such facility and the burden of rebutting such prima facie case shall be upon such person.

"(e) Within one hundred and eighty days after the effective date of this section—

"(1) the Secretary shall issue regulations, in consultation with the Secretary of the department in which the Coast Guard is operating and consistent with maritime safety and with marine and navigation laws, establishing criteria for the removal of discharged oil, including

criteria relative to the methods and means of removal, from waters and shorelines.

"(2) the Secretary of the department in which the Coast Guard is operating shall issue regulations, in consultation with the Secretary, establishing procedures, methods, and equipment (A) to prevent discharges of oil from vessels, and (B) to implement the regulations of the Secretary relative to removing discharged oil.

"(f) The Secretary, in consultation with the Secretary of the department in which the Coast Guard is operating and consistent with maritime safety and with marine and navigation laws and regulations, may issue regulations authorizing the discharge of oil from a vessel in quantities, under conditions, and at times and locations deemed appropriate by him, after taking into consideration various factors such as the effect of such discharge on applicable water quality standards, recreation, and fish and wildlife.

"(g) The provisions of subsection (b) of this section and the regulations issued under subsections (e) and (f) of this section shall be enforced by the Secretary of the department in which the Coast Guard is operating. The Secretary of the department in which the Coast Guard is operating may utilize by agreement, with or without reimbursement, the personnel, services, and facilities of any other Federal agency in carrying out these provisions and regulations.

"(h) Anyone authorized by the Secretary of the department in which the Coast Guard is operating to enforce the provisions of this section may, except as to public vessels, (1) board and inspect any vessel upon the navigable waters of the United States, (2) with or without a warrant arrest any person who violates the provisions of this section or any regulation issued thereunder in his presence or view, and (3) execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(i) In the case of Guam, actions arising under this section may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions.

"(j) The Secretary of Transportation, in consultation with the Secretaries of Interior, State, Commerce, and other interested Federal agencies, shall conduct a study of the need for, and the desirability of, establishing a system of requiring vessels using the navigable waters of the United States to give evidence that such vessels have adequate financial capability within appropriate limitations to reimburse the United States in accordance with the provisions

of subsection (c) of this section for the removal of discharged oil and to pay damage claims covering private real or personal property injured or destroyed by such discharged oil. In carrying out this study, the Secretary of Transportation shall seek detailed information relative to the economic effects of such a system on the merchant marine industry, and shall seek the advice and recommendations of representatives of the merchant marine, oil, and insurance industries, labor, and other national and international organizations relative to the need for, and desirability of, such a system. The Secretary of Transportation shall submit a report, together with recommendations thereon, to the Congress, through the President, by July 1, 1970.

"AREA ACID AND OTHER MINE WATER POLLUTION CONTROL DEMONSTRATIONS

"SEC. 13. (a) The Secretary in cooperation with other Federal agencies is authorized to enter into agreements with any State or interstate agency to carry out one or more projects to demonstrate methods for the elimination or control, within all or part of a watershed, of acid or other mine water pollution resulting from active or abandoned mines. Such projects shall demonstrate the engineering and economic feasibility and practicality of various abatement techniques which will contribute substantially to effective and practical

methods of acid or other mine water pollution elimination or control.

"(b) The Secretary, in selecting watersheds for the purposes of this section, shall (1) require such feasibility studies as he deems appropriate, (2) give preference to areas which have the greatest present or potential value for public use for recreation, fish and wildlife, water supply, and other public uses, and (3) be satisfied that the project area will not be affected adversely by the influx of acid or other mine water pollution from nearby sources.

"(c) Federal participation in such projects shall be subject to the conditions—

"(1) that the State or interstate agency shall pay not less than 25 per centum of the actual project costs which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, personal property, or services, the value of which shall be determined by the Secretary; and

"(2) that the State or interstate agency shall provide legal and practical protection to the project area to insure against any activities which will cause future acid or other mine water pollution.

"(d) There is authorized to be appropriated $15,000,000 to carry out the provisions of this section, which sum shall be available until expended. No more than 25

per centum of the total funds appropriated under this section in any one year shall be granted to any one State."

SEC. 3. (a) Redesignated section 14 of the Federal Water Pollution Control Act, as amended, is amended to read as follows:

"COOPERATION BY ALL FEDERAL AGENCIES IN THE CONTROL OF POLLUTION

"SEC. 14. (a) Each Federal agency having jurisdiction over any real property or facility of any kind shall, within available appropriations and consistent with the interests of the United States, insure compliance with applicable water quality standards and the purposes of this Act in the administration of such property, or facility. In his summary of any conference pursuant to section 10(d)(4) of this Act, the Secretary shall include references to any discharges allegedly contributing to pollution from any such Federal property or facility, and shall transmit a copy of such summary to the head of the Federal agency having jurisdiction of such property or facility. Notice of any hearing pursuant to section 10(f) of this Act involving any pollution alleged to be effected by any such discharges shall also be given to the Federal agency having jurisdiction over the property or facility involved, and the findings and recommendations of the hearing board conducting such hearing shall include

references to any such discharges which are contributing to the pollution found by such board.

"(b) Any applicant for a Federal license or permit to conduct any activity which may result in discharges into the waters of the United States shall provide the licensing or permitting agency with certification from the appropriate State or interstate water pollution control agency that such activity will be conducted in a manner which shall insure compliance with applicable water quality standards. In any case where such standards have been established by the Secretary pursuant to section 10 of this Act, such certification shall be from the Secretary. No license or permit shall be granted until such certification has been obtained or unless good cause is shown for not obtaining such certification. Such license or permit shall be suspended if a court of competent jurisdiction finds, pursuant to section 10 (c) (5) of this Act that such licensee or permittee is not in compliance with applicable water quality standards. Nothing in this section shall be construed to limit the authority of any department or agency pursuant to any other provision of law to require compliance with applicable water quality standards. The Secretary shall, upon the request of any Federal department or agency, provide, for the purposes of this section, any relevant information on applicable water quality standards and shall, when requested

by any such department or agency, comment on the methods proposed by the applicant to comply with such standards."

SEC. 4. Section 5 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466c), is amended—

(1) by redesignating subsections (g) and (h) as (j) and (k);

(2) by inserting after subsection (f) three new subsections to read as follows:

"(g) The Secretary is authorized to enter into contracts with or make grants to, public or private agencies and organizations and individuals for (A) the purpose of developing and demonstrating new or improved methods for the prevention, removal, and control of natural or man-made pollution in lakes, including the undesirable effects of nutrients and vegetation, and (B) the construction of publicly owned research facilities for such purpose.

"(h) The Secretary shall engage in such research, studies, experiments, and demonstrations as he deems appropriate relative to the removal of oil from any waters and to the prevention and control of oil pollution, and shall publish from time to time the results of such activities. In carrying out this subsection, the Secretary may enter into contracts with, or make grants to, public or private agencies and organizations and individuals.";

(3) by changing in redesignated subsection (j) (4) the words "and June 30, 1969," to "June 30, 1969, and June 30, 1970,"; and

(4) by amending the first sentence of redesignated subsection (k) to read as follows: "There is authorized to be appropriated to carry out this section, other than subsection (j), not to exceed $65,000,000 for the fiscal year ending June 30, 1969, and for the two succeeding fiscal years."

SEC. 5. Section 6 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466c–1), is amended—

(1) by changing in subsection (e) (1) the word "three" to "five"; and

(2) by changing in subsection (e) (2) and (3) the word "two" to "four".

SEC. 6. Redesignated section 17 of the Federal Water Pollution Control Act, as amended, is amended by deleting the following: "the Oil Pollution Act, 1924, or".

SEC. 7. The Oil Pollution Act, 1924 (43 Stat. 604), as amended (80 Stat. 1246–1252), is hereby repealed.

91ST CONGRESS
1ST SESSION

S. 7

A BILL

To amend the Federal Water Pollution Control Act, as amended, and for other purposes.

By Mr. MUSKIE, Mr. BAKER, Mr. BOGGS, Mr. BURDICK, Mr. BYRD of West Virginia, Mr. CASE, Mr. COOPER, Mr. DODD, Mr. ERVIN, Mr. FONG, Mr. HART, Mr. INOUYE, Mr. KENNEDY, Mr. MAGNUSON, Mr. MANSFIELD, Mr. METCALF, Mr. MONDALE, Mr. MONTOYA, Mr. MOSS, Mr. NELSON, Mr. RANDOLPH, Mr. RIBICOFF, Mr. SPONG, Mr. TYDINGS, Mr. WILLIAMS of New Jersey, and Mr. YOUNG of Ohio

JANUARY 15 (legislative day, JANUARY 10), 1969
Read twice and referred to the Committee on Public Works

91ST CONGRESS
1ST SESSION

H. R. 4148

IN THE HOUSE OF REPRESENTATIVES

JANUARY 23, 1969

Mr. FALLON (by request) introduced the following bill; which was referred to the Committee on Public Works

A BILL

To amend the Federal Water Pollution Control Act, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Water Quality Improvement Act of 1969".

SEC. 2. Section 8 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466e), is amended—

(1) by inserting in subsection (a) after the words "grants to" a comma and the words "or enter into contracts with,";

(2) by inserting after the word "grant" in clauses (1), (3), (4), and (5) of subsection (b) the words

"or contract"; and after the word "grantee" in clause (3) of subsection (b) the words "or contractee";

(3) by inserting after the word "appropriated" wherever it appears in the second and third sentences of subsection (c) the words "for grants under subsection (b) of this section";

(4) by amending subsection (d) to read as follows:

"(d) For the purpose of making grants there is authorized to be appropriated $700,000,000 for the fiscal year ending June 30, 1969. For the purposes of making grants and payments on contracts under this section, there is authorized to be appropriated $1,000,000,000 for the fiscal year ending June 30, 1970, and $1,250,000,000 for the fiscal year ending June 30, 1971. At least 50 per centum of the first $100,000,000 so appropriated for each fiscal year beginning on or after July 1, 1965, shall be used for grants for the construction of treatment works servicing municipalities of one hundred and twenty-five thousand population or under. There is authorized to be appropriated such sums as may be necessary to make payments after June 30, 1971, on contracts entered into under subsection (f) of this section. Sums appropriated to carry out this section shall remain available until expended.";

(5) by redesignating subsections (f) and (g) as (g) and (h);

(6) by inserting after "subsection (b) of this section" in the first sentence of redesignated subsection (g) a comma and the following: "or the amount contracted for under subsection (f) of this section," and by striking out in such sentence "the amount of such grant" and inserting in lieu thereof "such amount";

(7) by inserting after "grants" in redesignated subsection (h) the following: "or contracts"; and

(8) by inserting a new subsection after subsection (e) to read as follows:

"(f) (1) For the purpose of this subsection, the term 'contracting party' means a State, municipality, or intermunicipal or interstate agency.

"(2) For the purpose of providing an additional method of financing treatment works under this section, there is hereby established within the Treasury of the United States the Water Quality Improvement Revolving Fund (hereinafter referred to as the 'Fund'). There is authorized to be appropriated to the Fund $50,000,000 to purchase obligations under paragraph (4) of this subsection. All sums received by the Secretary (A) from a contracting party in connection with the purchase of such obligations, and (B) sums received in connection with the sale of such obligations under this subsection shall be deposited into the Fund. All sums covered into the Fund pursuant to this paragraph shall

remain available until expended to carry out the provisions of this subsection.

"(3) From time to time, and at least at the close of each fiscal year, the Secretary shall pay from the Fund into the Treasury as miscellaneous receipts, interest on the cumulative amount of appropriations made available to the Fund, less the average undisbursed cash balance in the Fund during such year. The rate of such interest shall be determined by the Secretary of the Treasury, taking into consideration the average market yield during the month preceding each fiscal year on outstanding Treasury obligations with remaining periods to maturity comparable to the average maturity of obligations purchased by the Fund. Such interest payments may be deferred with the approval of the Secretary of the Treasury, but any interest payments so deferred shall themselves bear interest. If at any time the Secretary determines that moneys in the Fund exceed the present and any reasonably prospective future requirements of the Fund, such excess may be transferred to the general fund of the Treasury.

"(4) The Secretary may enter into contracts, in accordance with the provisions of this subsection, with any contracting party (A) to purchase the obligations issued by such party to finance the cost of constructing treatment works, including the Federal share thereof, and (B) to make principal and interest payments on the obligations purchased

by him, within limits to be established in appropriation Acts for fiscal years 1970 and 1971, over a period of not to exceed forty years to cover the Federal share of the construction costs of such treatment works. Obligations purchased by the Secretary under this paragraph shall have a maximum repayment period of not to exceed forty years and shall bear interest at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturity of such obligations, adjusted to the nearest one-eighth of 1 per centum, less not to exceed 1 per centum per annum as determined by the Secretary. No obligation shall be purchased unless the Secretary determines that there is reasonable assurance of repayment and that the amount of the obligation together with other funds available is adequate to assure completion of the project. Any contract entered into by the Secretary with a contracting party shall require that all revenue bond obligations issued by such party covering the Federal and non-Federal share of such works under such contract shall be sold to the Secretary.

"(5) The Federal share for treatment works with respect to which a contract is entered into under paragraph (4) of this subsection shall be the same percentage as would

be the case if a grant were being made for such works under subsections (b) and (g) of this section.

"(6) In order to be eligible for a contract under paragraph (4) of this subsection, each contracting party shall meet the applicable requirements of subsection (b) of this section, the first sentence of subsection (c) of this section, and the provisions of this subsection. Each contract shall include such additional terms and conditions as the Secretary deems appropriate.

"(7) The Secretary is authorized to sell, with the approval of the Secretary of the Treasury, the obligations purchased under paragraph (4) of this subsection with agreements for the guarantee thereof, or the obligations may be held in the Fund and collected in accordance with their terms. The Secretary is authorized to make payments to cover the difference in interest between the rates at which such obligations are purchased and the rates at which they are sold under this subsection. The interest on any obligation sold by the Secretary shall not be tax exempt for income purposes under any Federal law. Any such guarantee agreement executed by the Secretary hereunder shall be an obligation supported by the full faith and credit of the United States, and shall be incontestable except for fraud or material misrepresentation of which the holder has actual knowledge. In connection with obligations guaranteed under this sub-

section, the Secretary may take liens running to the United States notwithstanding the fact that the notes evidencing such obligations may be held by lenders other than the United States. Notes evidencing such obligations shall be freely assignable, but the Secretary shall not be bound by any such assignment until notice thereof is given to, and acknowledged by, him. The Secretary is authorized to make agreements with respect to servicing obligations held or guaranteed by him under this subsection and purchasing such guaranteed obligations on such terms and conditions as he may prescribe.

"(8) The Secretary may issue notes to the Secretary of the Treasury when necessary to obtain funds to make timely payments in the event of default under any guaranty, or to meet his responsibilities under any purchase agreement, made pursuant to this subsection. The form, denomination, maturities, and other terms and conditions of such notes shall be prescribed by the Secretary with the approval of the Secretary of the Treasury. Each note shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturities adjusted to the nearest one-eighth of 1 per centum. The Secretary of the Treasury is authorized and

directed to purchase any notes of the Secretary issued hereunder and for that purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which such securities may be issued under such Act are extended to include the purchase of notes issued by the Secretary. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes shall be treated as public debt transactions of the United States.

"(9) The total sum actually appropriated to the Fund to purchase any obligation under paragraph (4) of this subsection and the Federal principal sum of obligations purchased under said paragraph and the amount actually appropriated for grants under subsection (b) of this section, for fiscal years 1970 and 1971 shall not exceed the sums authorized to be appropriated for such years under subsection (d) of this section. Fifty per centum of the principal sum available for contracts under this subsection for each fiscal year beginning after June 30, 1969, shall be allotted by the Secretary in accordance with the ratio that the population of each State bears to the population of all the States. Fifty per centum of such principal sum shall be allotted by the Secretary to any State meeting on June 30 of the preceding fiscal year the requirements of subsection (b) (7)

of this section for a 50 per centum Federal share in accordance with the ratio that the population of each such State bears to the population of all the States meeting said requirements. Sums allotted to a State which are not obligated within six months following the end of the fiscal year for which they were allotted shall be reallotted in the same manner, except that sums allotted to a State in fiscal year 1970 shall be available for obligation therein for eighteen months from the effective date of this subsection.

"(10) In entering into any contract under this subsection, first priority in each State shall be given for treatment works (A) included in waste treatment systems servicing an area of fifty thousand people or more, (B) contributing to the development of a regional collection and treatment system, or (C) financed by a system of charges designed to cover, to the extent practicable, construction costs of such works and operating and maintenance costs."

SEC. 3. Sections 17 and 18 of the Federal Water Pollution Control Act, as amended, are hereby repealed. Section 19 of the Federal Water Pollution Control Act, as amended, is redesignated as section 20. Sections 11 through 16 of the Federal Water Pollution Control Act, as amended, are redesignated as sections 14 through 19. After section 10 of the Federal Water Pollution Control Act, as amended (33

U.S.C. 466g), there are hereby inserted three new sections to read as follows:

"CONTROL OF SEWAGE FROM VESSELS

"SEC. 11. (a) For the purpose of this section, the term—

"(1) 'new vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which is initiated after promulgation of standards and regulations under this section;

"(2) 'existing vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which is initiated before promulgation of standards and regulations under this section;

"(3) 'public vessel' means a vessel owned or bareboat chartered and operated by the United States, by a State or political subdivision thereof, or by a foreign nation or by a political subdivision thereof, except where such vessel is engaged in commercial activities;

"(4) 'United States' includes the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands;

"(5) 'marine sanitation device' means any equip-

ment for installation on board a vessel which is designed to receive, retain, treat, or discharge sewage;

"(6) 'sewage' means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

"(7) 'manufacturer' means any person engaged in the manufacturing, assembling, or importation of marine sanitation devices or of vessels having installed on board such devices;

"(8) 'person' means an individual, partnership, firm, corporation, or association, but does not include an individual on board a public vessel;

"(9) 'discharge' means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

"(b) (1) As soon as possible after the enactment of this section, the Secretary, after consultation with the Secretary of the Department in which the Coast Guard is operating, and after giving appropriate consideration to the economic costs involved, and within the limits of available technology, shall promulgate Federal standards of performance for marine sanitation devices (hereinafter referred to as 'standards') which shall be designed to prevent the discharge of untreated or inadequately treated sewage into or upon the navigable waters of the United States from new vessels and existing vessels, except vessels not equipped at any time with installed toilet

facilities. Such standards shall be consistent with maritime safety and the marine and navigation laws and regulations and shall be coordinated with the regulations issued under this subsection by the Secretary of the Department in which the Coast Guard is operating. The Secretary of the Department in which the Coast Guard is operating shall promulgate regulations, which are consistent with standards promulgated under this subsection and with maritime safety and the marine and navigation laws and regulations, governing the design, construction, installation, and operation of any marine sanitation device on board such vessels.

"(2) Any existing vessel equipped with a device or devices installed pursuant to the requirements of a State or foreign nation statute or regulation or recommended levels of control set forth in the Handbook on Sanitation and Vessel Construction (Public Health Service, 1965) prior to the promulgation of the initial standards and regulations required by this section shall be deemed in compliance with this section until such time as the device or devices are replaced or are found not to be in compliance with such State or foreign nation statute, regulation, or recommended level.

"(c) (1) Initial standards and regulations under this section shall become effective for new vessels two years after promulgation; but not earlier than December 31, 1971, and for existing vessels five years after promulgation. Revisions

of standards and regulations shall be effective upon promulgation, unless another effective date is specified.

"(2) The Secretary and the Secretary of the Department in which the Coast Guard is operating with regard to their respective regulatory authority established by this section, may distinguish among classes, types, and sizes of vessels as well as between new and existing vessels, and may waive applicability of standards and regulations as necessary or appropriate for such classes, types, and sizes of vessels, and, upon application, for individual vessels.

"(d) The provisions of this section and the standards and regulations promulgated thereunder apply to vessels owned and operated by the United States unless the Secretary of Defense finds that compliance would not be in the interest of national security. With respect to vessels owned and operated by the Department of Defense, regulations under subsection (b) and certifications under subsection (g) (2) of this section shall be promulgated and issued by the Secretary of Defense and not by the Secretary of the Department in which the Coast Guard is operating.

"(e) Before the standards and regulations under this section are promulgated, the Secretary and the Secretary of the Department in which the Coast Guard is operating shall consult with the Secretary of State; the Secretary of Health, Education, and Welfare; the Secretary of Defense; the Sec-

retary of the Treasury; the Secretary of Commerce; other interested Federal agencies; and the States and industries interested; and otherwise comply with the requirements of section 553 of title 5 of the United States Code.

"(f) After the effective date of the initial standards and regulations promulgated under this section, no State or political subdivision thereof shall adopt or enforce any statute or regulation of such State or political subdivision with respect to the design, manufacture, or installation of any marine sanitation device on any vessel subject to the provisions of this section, except that nothing in this section shall be construed to affect or modify the authority or jurisdiction of any State to prohibit discharges of sewage whether treated or not from a vessel within all or part of the waters of such State.

"(g) (1) No manufacturer of a marine sanitation device shall sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States for sale or resale any marine sanitation devices manufactured after the effective date of the standards and regulations pomulgated under this section unless such device is in all material respects substantially the same as a test device certified under this subsection.

"(2) Upon application of the manufacturer, the Secretary of the Department in which the Coast Guard is operating

shall so certify a marine sanitation device if he determines, in accordance with the provisions of this paragraph, that it meets the appropriate standards and regulations promulgated under this section. The Secretary of the Department in which the Coast Guard is operating shall test or require such testing of the device in accordance with procedures set forth by the Secretary as to standards of performance and for such other purposes as may be appropriate. The Secretary, upon notification of the results of such tests, shall determine if such results are in accordance with the appropriate performance standards promulgated under this section and shall notify the Secretary of the Department in which the Coast Guard is operating of his determination. Upon receipt of such notification the Secretary of the Department in which the Coast Guard is operating, if he determines that the device is satisfactory from the standpoint of safety and any other requirements of maritime law or regulation, and after consideration of the design, installation, operation, material, or other appropriate factors, shall certify the device. Any device manufactured by such manufacturer which is in all material respects substantially the same as the certified test device shall be deemed to be in conformity with the appropriate standards and regulations established under this section.

"(3) Every manufacturer shall establish and maintain such records, make such reports, and provide such informa-

tion as the Secretary or the Secretary of the Department in which the Coast Guard is operating may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this section and regulations issued thereunder and shall, upon request of an officer or employee duly designated by the Secretary or the Secretary of the Department in which the Coast Guard is operating, permit such officer or employee at reasonable times to have access to and copy such records. All information reported to, or otherwise obtained by, the Secretary or the Secretary of the Department in which the Coast Guard is operating or their representatives pursuant to this subsection which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this section.

"(h) After the effective date of standards and regulations promulgated under this section, it shall be unlawful—

"(1) for the manufacturer of any vessel subject to such standards and regulations to manufacture for sale, to sell or offer for sale, or to distribute for sale or resale any such vessel unless it is equipped with a marine sanitation device which is in all material respects sub-

stantially the same as the appropriate test device certified pursuant to this section;

"(2) for any person, prior to the sale or delivery of a vessel subject to such standards and regulations to the ultimate purchaser, wrongfully to remove or render inoperative any certified marine sanitation device or element of design of such device installed in such vessel;

"(3) for any person to fail or refuse to permit access to or copying of records or to fail to make reports or provide information required under this section; and

"(4) for a vessel subject to such standards and regulations to discharge sewage into or upon the navigable waters of the United States, except with the use of a marine sanitation device certified pursuant to this section.

"(i) The district courts of the United States shall have jurisdiction to restrain violations of subsection (h) (1) through (3) of this section. Actions to restrain such violations shall be brought by, and in, the name of the United States. In case of contumacy or refusal to obey a subpena served upon any person under this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon applica-

tion by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(j) Any person who violates clauses (1) or (2) of subsection (h) of this section shall be liable to a civil penalty of not more than $5,000 for each violation. Any person who violates clause (4) of subsection (h) of this section shall be liable to a civil penalty of not more than $2,000 for each violation. Each violation shall be a separate offense. The Secretary of the Department in which the Coast Guard is operating may assess and compromise any such penalty. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by said Secretary.

"(k) The provisions of this section shall be enforced by the Secretary of the Department in which the Coast Guard is operating and he may utilize by agreement with or without reimbursement law enforcement officers or other personnel and facilities of the Secretary, other Federal agencies, or the States to carry out the provisions of this section.

"(l) Anyone authorized by the Secretary of the De-

partment in which the Coast Guard is operating to enforce the provisions of this section may, except as to public vessels, (1) board and inspect any vessel upon the navigable waters of the United States, (2) with or without a warrant arrest any person who violates the provisions of this section or any regulation issued thereunder in his presence or view, and (3) execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(m) In the case of Guam, actions arising under this section may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions.

"CONTROL OF POLLUTION BY OIL AND OTHER MATTER

"DEFINITIONS

"SEC. 12. (a) For the purpose of this section, the term—

"(1) 'oil' means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, and oil refuse, but does not include oil mixed with other matter;

"(2) 'matter' means any substance of any description or origin, other than sewage, oil, and dredged spoil which is discharged in substantial quantities, but does not include byproduct material, source material, and special nuclear material as defined in the Atomic Energy Act of 1954 (42 U.S.C. 2013).

"(3) 'sewage' means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

"(4) 'discharge' means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping;

"(5) 'remove or removal' refers to the taking of reasonable and appropriate measures to mitigate the potential damage of the discharge of oil or matter to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, shorelines, and beaches;

"(6) 'vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water;

"(7) 'public vessel' means a vessel owned or bareboat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation or political subdivision thereof, except where such vessel is engaged in commercial activities;

"(8) 'United States' includes the Commonwealth

of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

"(9) 'owner or operator' means any person owning, operating, or chartering by demise, a vessel;

"(10) 'person' includes an individual, firm, corporation, association, or a partnership, except individuals on board public vessels; and

"(11) 'contiguous zone' means the entire zone established or to be established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone.

"NOTICE

"(b) Any person who discharges or permits or causes or contributes to the discharge of oil or matter in substantial quantities from any source into or upon the navigable waters of the United States or adjoining shorelines or beaches, or into or upon the waters of the contiguous zone because such oil or matter threatens to pollute or contribute to the pollution of the territory or the territorial sea of the United States, shall immediately notify the appropriate delegate of the President of such discharge. Any such person who knowingly fails to notify immediately such delegate of any such discharge of oil or matter into or upon such waters, shorelines, or beaches, shall, upon conviction, be fined not more

than $5,000, or imprisoned for not more than one year, or both.

"CONTROL OF OIL DISCHARGED FROM VESSELS; CIVIL PENALTY

"(c) (1) Except in case of an emergency imperiling life, or an act of war or sabotage, or an unavoidable accident, collision, or stranding, or except as otherwise permitted by regulations issued by the Secretary under this section, or except where otherwise not prohibited in the contiguous zone under the provisions of Article IV of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended, any owner or operator who, either directly or through any person, whether or not his servant or agent, concerned in the operation, navigation, or management of the vessel, discharges or permits the discharge of oil from a vessel into or upon the navigable waters of the United States or adjoining shorelines and beaches of the United States, or into or upon the waters of the contiguous zone because such oil threatens to pollute or contribute to the pollution of the territory or the territorial sea of the United States, shall be subject to the penalties provided in this subsection.

"(2) Any owner or operator who, or any vessel, other than a public vessel, which discharges oil in violation of paragraph (1) of this subsection shall be assessed a civil

penalty by the Secretary of not more than $10,000 for each offense. Each violation is a separate offense. Any such civil penalty may be compromised by the Secretary. In determining the amount of the penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the owner or operator of the vessel charged, the effect on the owner or operator's ability to continue in business, and the gravity of the violation, shall be considered by the Secretary. The district director of customs at the port or place of departure from the United States shall withhold at the request of the Secretary the clearance required by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C. 91), of any vessel subject to the foregoing penalty. Clearance may be granted in such cases upon the filing of a bond or other surety satisfactory to the Secretary. Such penalty shall constitute a maritime lien on such vessel which may be recovered by action in rem in the district court of the United States for any district within which such vessel may be found.

"REMOVAL OF DISCHARGED OIL OR MATTER BY THE UNITED STATES

"(d) Whenever advice is received of any discharge of oil or matter into or upon any waters, shorelines, or beaches, the United States may remove or arrange for the removal thereof in accordance with the regulations prescribed under

subsection (g) of this section when, in the judgment of the Secretary, such oil or matter presents an actual or threatened pollution hazard to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife, or to public or private shorelines and beaches in the United States, unless other adequate arrangement for removal of such oil or matter have been made as required by subsections (e) (1) or (f) (1) of this section.

"REMOVAL OF DISCHARGED OIL OR MATTER BY OWNER OR OPERATOR OF A VESSEL

"(e) (1) The owner or operator of any vessel who, either directly or through any person, whether or not his servant or agent, concerned in the operation, navigation, or management of the vessel, willfully or negligently discharges or permits or causes or contributes to the discharge of oil or matter into or upon the navigable waters of the United States or adjoining shorelines or beaches or into or upon the waters of the contiguous zone because oil or matter threatens to pollute or contribute to the pollution of the territory or the territorial sea of the United States, shall immediately remove such oil or matter from such waters, shorelines, and beaches. If the United States removes the oil or matter, such owner or operator, and, as appropriate, the vessel shall be liable to the United States for the full amount of the costs reasonably incurred under this subsection for the removal of

such oil or matter, except that such aggregate liability for the cost of removal shall not exceed $15,000,000 or $450 per gross registered ton of such offending vessel, whichever is the lesser amount. The district director of customs at the port or place of departure from the United States shall withhold at the request of the Secretary the clearance required by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C. 91), of a vessel, other than a public vessel, liable for such costs until such costs are paid or until a bond or other surety satisfactory to the Secretary is posted. Such costs shall constitute a maritime lien on such vessel which may be recovered in an action in rem in the district court of the United States for any district within which such vessel may be found.

"(2) In any action instituted by the United States under paragraph (1) of this subsection, evidence of a discharge of oil or matter from a vessel shall constitute a prima facie case of liability to the United States on the part of the owner or operator thereof and the burden of rebutting such prima facie case shall be upon such owner or operator. The United States shall also have cause of action under paragraph (1) of this subsection against any owner or operator of a vessel whose willful act or negligence is found to have caused or contributed to the discharge of oil or matter from a vessel involved in a collision or other casualty. The burden

or rebutting the prima facie case of liability which the United States shall have against a vessel or the owner or operator thereof from which the oil or matter is discharged shall in no way affect any rights which such owner or operator may have against any other vessel or owner or operator or other persons whose willful act or negligence may in any way have caused or contributed to such discharge.

"REMOVAL OF OIL AND MATTER DISCHARGED FROM ONSHORE OR OFFSHORE FACILITIES

"(f) (1) Any person subject to the jurisdiction of the United States who owns or operates an onshore or offshore facility of any kind, other than a facility owned or operated by the United States, or a State or a political subdivision thereof who either directly or through any other person, whether or not his servant or agent, concerned in the operation or management of such facility, willfully or negligently discharges or permits or causes or contributes to the discharge of oil or matter into or upon the navigable waters of the United States or adjoining shorelines or beaches, or into or upon the waters of the contiguous zone, or into or upon the waters beyond such zone, shall immediately remove such oil or matter from such waters, shorelines, and beaches. If the United States removes the oil or matter, such person shall be liable to the United States for the full amount of the costs reasonably incurred for the removal of such oil or mat-

ter, except that such aggregate liability for the cost of removal of such oil or matter shall not exceed $15,000,000.

"(2) In any action instituted by the United States under this subsection, evidence of a discharge of oil or matter from an onshore or offshore facility of any kind, other than a vessel, shall constitute a prima facie case of liability to the United States on the part of any person who owns or operates such facility and the burden of rebutting such prima facie case shall be upon such person.

"REGULATIONS GOVERNING THE REMOVAL OF DISCHARGED OIL OR MATTER BY ANYONE

"(g) Within 60 days after the effective date of this section and from time to time thereafter—

"(1) the Secretary shall issue regulations, in consultation with the Secretary of the department in which the Coast Guard is operating and consistent with maritime safety and with marine and navigation laws, establishing criteria in removing discharged oil and matter, including criteria relative to the methods and means of removal, from waters, shorelines, and beaches; and

"(2) the Secretary of the department in which the Coast Guard is operating shall issue regulations, in consultation with the Secretary, establishing procedures, methods, and equipment (A) to implement the regulations of the Secretary relative to removing discharged

oil and matter, and (B) to prevent discharges of oil and matter from vessels.

"GENERAL PROVISIONS

"(h) (1) There is hereby authorized to be appropriated to a revolving fund to be established in the Treasury not to exceed $15,000,000 to carry out the provisions of subsection (d) of this section. Any funds received by the United States under this section shall also be deposited in said fund for such purposes, except that such funds shall be available to reimburse a State or political subdivision thereof that assists in the removal of any discharged oil or matter. All sums appropriated to, or deposited in, said fund shall remain available until expended.

"(2) For the purpose of insuring the efficient and economic removal of any discharged oil or matter under subsection (d) of this section, the President shall, within ninety days after the effective date of this section and from time to time thereafter, delegate to the Secretary, the Secretary of the Department in which the Coast Guard is operating, the Secretary of Defense, and the heads of such other agencies as may be appropriate, all or part of the responsibility under subsection (d) of this section for removing discharged oil or matter, in accordance with any national contingency plan or revision thereof, approved by the President, establishing procedures to be followed in removing such oil or matter.

Any moneys in the fund established by this subsection shall be available to such Federal agencies to effectuate such removal. Each such agency, in order to avoid duplication of effort, shall, whenever practicable, utilize with or without reimbursement the personnel, services, and facilities of other Federal agencies and of State agencies.

"(3) After regulations are promulgated under subsection (g) of this section, the removal of any discharged oil or matter by anyone under this section shall be carried out in accordance with such regulations.

"(4) The Secretary, in consultation with the Secretary of the Department in which the Coast Guard is operating and consistent with maritime safety and with marine and navigation laws and regulations, may issue regulations authorizing the discharge of oil or matter from a vessel in quantities, under conditions, and at times and locations deemed appropriate by him, after taking into consideration varous factors such as the effect of such discharge on applicable water quality standards, recreation, and fish and wildlife.

"(5) The provisions of subsection (c) of this section and the regulations issued under subsection (g) of this section shall be enforced by the Secretary of the Department in which the Coast Guard is operating. The Secretary of the Department in which the Coast Guard is operating may

utilize by agreement, with or without reimbursement, the personnel, services, and facilities of any other Federal agency or State agency in carrying out these provisions and regulations.

"(6) Anyone authorized by the Secretary of the department in which the Coast Guard is operating to enforce the provisions of this section may, except as to public vessels, (A) board and inspect any vessel upon the navigable waters of the United States or the waters of the contiguous zone, (B) with or without a warrant arrest any person who violates the provisions of this section or any regulation issued thereunder in his presence or view, and (C) execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(7) In the case of Guam, actions arising under this section may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions.

"(8) Nothing in this section shall be construed as authorizing the Secretary or the Secretary of the department in which the Coast Guard is operating to regulate the oper-

ations or construction of any onshore or offshore facility, or as affecting or modifying any other existing authority of either Secretary relative to such facilities under this Act or any other provision of law.

"STUDY BY SECRETARY OF TRANSPORTATION

"(i) The Secretary of Transportation, in consultation with the Secretaries of Interior, State, Treasury, Commerce, and other interested Federal agencies, shall conduct a study of the need for, and the desirability of, establishing a system of requiring vessels using the navigable waters of the United States and the waters of the contiguous zone to give evidence that such vessels have adequate financial capability within appropriate limitations to reimburse the United States in accordance with the provisions of this section for the removal of discharged oil and to pay damage claims covering private, real, or personal property damaged or destroyed by such discharged oil. In carrying out this study, the Secretary of Transportation shall seek detailed information relative to the economic effects of such a system on the merchant marine industry, and the advice and recommendations of representatives of the merchant marine, oil, and insurance industries, labor, and other national and international organizations relative to the need for, and desirability of, such a system. The Secretary of Transportation shall submit a report there-

on, together with recommendations thereon, to the Congress, through the President, by July 1, 1970.

"AREA ACID AND OTHER MINE WATER POLLUTION CONTROL DEMONSTRATIONS

"SEC. 13. (a) The Secretary, in cooperation with other Federal agencies, is authorized to enter into agreements with any State or interstate agency to carry out one or more projects to demonstrate methods for the elimination or control, within all or part of a watershed, of acid or other mine water pollution resulting from active or abandoned mines. Such projects shall demonstrate the engineering and economic feasibility and practicality of various abatement techniques which will contribute substantially to effective and practical methods of acid or other mine water pollution elimination or control.

"(b) The Secretary, in selecting watersheds for the purposes of this section, shall (1) require such feasibility studies as he deems appropriate, (2) give preference to areas which have the greatest present or potential value for public use for recreation, fish and wildlife, water supply, and other public uses, and (3) be satisfied that the project area will not be affected adversely by the influx of acid or other mine water pollution from nearby sources.

"(c) Federal participation in such projects shall be subject to the conditions—

"(1) that the State or interstate agency shall pay not less than 25 per centum of the actual project costs which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, personal property, or services, the value of which shall be determined by the Secretary; and

"(2) that the State or interstate agency shall provide legal and practical protection to the project area to insure against any activities which will cause future acid or other mine water pollution.

"(d) There is authorized to be appropriated $15,000,000 to carry out the provisions of this section, which sum shall be available until expended. No more than 25 per centum of the total funds appropriated under this section in any one year shall be granted to any one State."

SEC. 4. Redesignated section 14 of the Federal Water Pollution Control Act, as amended, is amended to read as follows:

"COOPERATION BY ALL FEDERAL AGENCIES IN THE CONTROL OF POLLUTION

"SEC. 14. (a) Each Federal agency having jurisdiction over any real property or facility of any kind shall, within available appropriations and consistent with the interests of the United States, cooperate with the Secretary and the appropriate State water pollution control agency to insure

compliance with applicable water quality standards and the purposes of this Act in the administration of such property or facility. In his summary of any conference pursuant to section 10 (d) (4) of this Act, the Secretary shall include references to any discharges allegedly contributing to pollution from any such Federal property or facility, and shall transmit a copy of such summary to the head of the Federal agency having jurisdiction of such property or facility. Notice of any hearing pursuant to section 10 (f) of this Act involving any pollution alleged to be affected by any such discharges shall also be given to the Federal agency having jurisdiction over the property or facility involved, and the findings and recommendations of the Hearing Board conducting such hearing shall include references to any such discharges which are contributing to the pollution found by such Board.

"(b) Whenever an application is filed with any Federal department or agency to authorize or assist by license, lease, or permit any activity which discharges or may discharge matter of any kind into any waters, such agency or department shall receive from the Secretary a report and recommendations, prepared in consultation with the appropriate State or interstate water pollution control agency or agencies, for the purpose of insuring compliance by such activity with applicable water quality standards in effect for such waters. Upon receipt of such report and recommendations,

such department or agency shall prescribe such measures as it deems appropriate, in accordance with the procedures established by such agency to consider such applications, to insure compliance at all times with the applicable water quality standards. Nothing in this subsection shall be construed as affecting the authority of the Secretary or any State or interstate agency in requiring the compliance of such standards under this Act or any other provision of law."

SEC. 5. Section 5 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466c), is amended—

(a) by redesignating subsections (g) and (h) as (k) and (l);

(b) by inserting after subsection (f) two new subsections to read as follows:

"(h) The Secretary is authorized to enter into contracts with, or make grants to, public or private agencies and organizations and individuals for the purpose of developing and demonstrating new or improved methods for the prevention, removal, and control of natural or manmade pollution in lakes, including the undesirable effects of nutrients and vegetation.

"(i) In carrying out the provisions of subsections (a) through (j) of this section relating to the conduct by the Secretary of demonstration projects and the development of field laboratories and research facilities, the Secretary may

acquire land and interests therein by purchase, with appropriated or donated funds, by donation, or by exchange for acquired or public lands under his jurisdiction which he classifies as suitable for disposition. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.";

(c) by changing in redesignated subsection (1) (4) the words "and June 30, 1969," to "June 30, 1969, and June 30, 1970,"; and

(d) by amending the first sentence of redesignated subsection (m) to read as follows:

"(m) There is authorized to be appropriated to carry out this section, other than subsection (1), not to exceed $65,000,000 for the fiscal year ending June 30, 1969, and such sums as may be necessary for the fiscal years ending June 30, 1970, and June 30, 1971."

SEC. 6. Section 6(e) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466e–1), is amended to read as follows:

"(e) For the purposes of this section there are authorized to be appropriated—

"(1) for the fiscal year ending June 30, 1969, the sum of $20,000,000 annually and for the fiscal years

ending June 30, 1970, and June 30, 1971, such sums as may be necessary for the purposes set forth in subsections (a) and (b) of this section, including contracts pursuant to such subsections for such purposes;

"(2) for the fiscal year ending June 30, 1969, the sum of $20,000,000 annually and for the fiscal years ending June 30, 1970, and June 30, 1971, such sums as may be necessary for the purpose set forth in clause (2) of subsection (a); and

"(3) for the fiscal year ending June 30, 1969, the sum of $20,000,000 annually and for the fiscal years ending June 30, 1970, and June 30, 1971, such sums as may be necessary for the purpose set forth in subsection (b)."

SEC. 7. Redesignated section 17 of the Federal Water Pollution Control Act, as amended, is amended by deleting the following: "the Oil Pollution Act, 1924, or".

SEC. 8. The Oil Pollution Act, 1924 (43 Stat. 604), as amended (80 Stat. 1246–1252), is hereby repealed.

91ST CONGRESS
1ST SESSION

H. R. 4148

A BILL

To amend the Federal Water Pollution Control Act, as amended, and for other purposes.

By Mr. FALLON

JANUARY 23, 1969
Referred to the Committee on Public Works

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U.S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

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For actions of March 20, 1969
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CONTENTS

Adjournment.....11,36
Aging.....15
Appalachian Regional Commission.....16
Arbor Day.....77
Buildings.....21
CCC.....16
Census.....8,39,69
Child nutrition.....1
Claims.....19
Committee assignments....5
Conservation.....18,42
Consumers.....38
Cooperatives.....28
Department of Peace.....33
Education.....6,58
Electrification.....28,68
Farm labor.....22
Federal aid.....23,30,67
Firefighters.....55
Food inspection.....34
Food stamps.....44,52
Foreign affairs.....65
Foreign aid.....45
Foreign trade..34,46,56,75
Forest lands.....17
Forestry.....7,29
Free trade.....46
Grains.....26
Health.....25,62
Hogs.....41
Honey imports.....75
Housing.....29,67
Hunger.....37
Imported food.....34
Interest rates.....24
Legislative program.....10
Loans.....68
Lumber prices.....7,47
Lumber standards.....31
Marine sanctuaries.....50
Meat inspection.....51
Milk.....2,35,63
Mink imports.....56
Nominations.....16
Non-farm income.....30,64
Organization.....66,70
Personnel.....
3,20,48,53,57,59,60,62,71
Pesticides.....40
Pollution.....4,40,43,64
Poverty.....32,58
Product safety.....49
Reclamation.....13
Recreation.....61
Research.....9,14,29,54,73
Retirement.....48,53,59
Rural development.....28
Rural mail.....74
Rural telephones.....68
Saline water.....14
Salaries.....71
School lunches.....1
Screw worm.....9
Small business.....27
Special milk.....2,10
Storm warnings.....73
Supergrades.....20
Tariff.....56,75
Taxation.....30,64,76
Transportation.....46
Travel.....3,10
Water resources.....54
Wilderness.....12
Wildlife.....72

HIGHLIGHTS: House passed bill to provide free and reduced-price meals for needy children. House committee reported bill to make special milk program permanent. House committee reported bill to increase per diem travel allowance. Senate committee reported Desolation Wilderness bill. Senate confirmed Paarlberg nomination to CCC Board of Directors.

HOUSE

1. CHILD NUTRITION. Passed with amendments H. R. 515, to amend the National School Lunch Act and the Child Nutrition Act of 1966 (pp. H1950-63). The committee report summarizes the bill as follows: "The bill amplifies present language... of the National School Lunch Act which requires meals to be served without cost or at a reduced cost to children unable to pay the full cost of the lunch. The bill requires that such children be determined by a systematic plan applied to all families on the basis of need criteria...Under the bill, State appropriated funds for the school lunch program made up from tax sources must equal at least 4 percent of the matching requirements. Every other fiscal year thereafter the State revenue matching requirement would be increased by 2 percent until the State matching requirements reached a level of 10 percent...authorizes nutrition training in education...would amend appropriations authorizations of the National School Lunch Act and the Child Nutrition Act to permit not to exceed 1 percent of the funds to be used for grants to States in providing nutritional training and education for program participants and employees...would permit the Secretary of Agriculture to take a hard look at some of the competition to the balanced meal offered within schools and service institutions" and "provides flexibility to the Department and to the States as they move toward providing a fully adequate food service for children."

   Agreed to amendments by Rep. Steiger to (1) force State revenue to be used proportionately between regular school lunch programs and special school lunch programs and (2) require cooperation and coordination between USDA and HEW in the development of nutrition education and training in schools and evaluation of the effectiveness of food programs for children (pp. H1961-3).

2. SPECIAL MILK. The Agriculture Committee reported H. R. 5554, to make the special milk program for children permanent (H. Rept. 91-110). p. H1990

3. TRAVEL. The Government Operations Committee reported with amendments H. R. 337, to increase the maximum rate of per diem allowance for employees of the Government traveling on official business (H. Rept. 91-111). p. H1990

4. POLLUTION. The Public Works Committee voted to report (but did not actually report) H. R. 4148, the proposed Water Quality Improvement Act. p. D209

5. COMMITTEE ASSIGNMENTS. Accepted the resignation of Rep. Corbett as a member of the House Administration Committee and elected Rep. Hansen, Idaho, as a member of this committee. p. H1950

6. EDUCATION. Rep. Perkins inserted excerpts from testimonies evaluating the effectiveness of elementary and secondary education legislation. pp. H1968-72

7. LUMBER PRICES. Rep. Wyatt stated the reason behind the building material price increase, "particularly as it applies to lumber and plywood products, can be linked to the very basic functions of supply and demand" and suggested the introduction of "high intensity forest management...involving precommercial and commercial thinnings--reforestation with super trees, genetics, and fertilization--using every known method of making trees grow more rapidly." pp. H1974-6

8. CENSUS. Rep. Charles H. Wilson stated that as chairman of the Subcommittee on Census and Statistics he intends to undertake a complete examination of the "controversial census question issue." p. H1979

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CONTENTS

Appalachia.....15,31
Appropriations.....1
Bonds.....34
CCC.....1
Census.....38
Child nutrition.....4,18
Cigarette advertising.....11,16
Consumer protection.....10
Debt ceiling.....17,45
Electrification.....30
FHA loans.....20,43
Farm loans.....20,43
Farm program.....41
Fisheries.....28
Foreign affairs.....32
Foreign trade.....25,37
Forest lands.....36
Grapefruit.....12
Health.....44
Health benefits.....23
Highways.....24
Housing.....8
Information.....14,38,39
Inspection service.....26
Interest rates.....7,34
Labeling.....27
Lands.....29,35,36
Legislative program.....13
Libraries.....39
Lumber prices.....22
Meat imports.....25
Milk.....4
Mink imports.....37
Ocean research.....42
Personnel.....3,23
Pollution.....2,44
Public works moratorium..5
Purchasing.....33
Reclamation.....40
Recreation.....21
Reorganization.....19
Retirement.....23
Taxation.....6,24
Tobacco.....11,16
Travel.....3
U.S.-Mexico.....32
Water.....35,40
Watersheds.....9

HIGHLIGHTS: See page 6.

HOUSE

1. APPROPRIATIONS. Passed without amendment H. J. Res. 584. Rep. Mahon stated "this is a joint resolution advancing from fiscal year 1970 into fiscal year 1969 the sum of $1 billion for the purpose of restoring impaired capital of the Commodity Credit Corporation. Due to heavy unexpected production of certain of the major crops, the Commodity Credit Coporation has on hand about $5 billion worth of commodities. As a result of this and other factors it is substantially out of cash to carry on its operations." pp..H2022-7

2. POLLUTION. The Public Works Committee reported with amendment H.R. 4148, to amend the Federal Water Pollution Control Act, as amended (H. Rept. 91-127). p. H2217.

3. TRAVEL. The Rules Committee reported a resolution for the consideration of H.R. 337, to increase the maximum rate of per diem allowance for employees of the Government traveling on official business (H. Rept. 91-129). p. H2217.

4. MILK. The "Daily Digest" states that the Rules Committee postponed action on H.R. 5554, to make the special milk program for children permanent. pp. D223-4.

5. PUBLIC WORKS MORATORIUM. Rep. Jones, Ala., expressed concern that "the administration is seriously considering a moratorium on public works" which he stated would have an adverse effect on the employment and the economy of every State in this Union." p. H2027.

6. TAX REFORM. Rep. Podell spoke in support of reforming the tax system. p. H2028.

7. INTEREST RATES. Rep. Patman inserted an article, "Impact of High Interest Rates Falls on Low-Income Group." p. H2214.

8. HOUSING. Rep. Patman inserted resolutions recommended by the Legislative Policy Committee and approved by the Board of Directors of the National Housing Conference. pp. H2195-214.

9. WATERSHEDS. Rep. Edwards, Calif., urged the President to "release the funds" for watershed projects. p. H2188.

10. CONSUMER PROTECTION. Rep. Fascell inserted his letter to the Attorney General requesting his advice on the staffing and functions which he plans to assign to the Office of Consumer Counsel within the Justice Department. p. H2176.

11. CIGARETTE ADVERTISING. Rep. Talcott objected to FCC's proposed banning of all cigarette advertising on radio and television. pp. H2169-70.

12. GRAPEFRUIT. Rep. de la Garza recommended Texas Ruby Red grapefruit to weight watchers and inserted the TexaSweet Citrus Advertising, Inc., Magic Menu. p. H2028.

13. LEGISLATIVE PROGRAM. The "Daily Digest" states that on Wed. the House will consider the per diem travel allowance bill. p. D222.

EXTENSION OF REMARKS

14. INFORMATION. Rep. Bray praised as a smart move the Federal Government's request for help by experienced businessmen, and inserted the text of a handbook, "Pointers On Preparing an Employee Handbook." pp. E2360-2.

15. APPALACHIA. Rep. Fulton, Pa., inserted Pa. Gov. Shafer's testimony in support of extension of the Appalachian Regional Development Act. pp. E2365-7.

91st Congress } HOUSE OF REPRESENTATIVES { Report
1st Session } { No. 91-127

WATER QUALITY IMPROVEMENT ACT OF 1969

March 25, 1969.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. Fallon, from the Committee on Public Works, submitted the following

REPORT

[To accompany H.R. 4148]

The Committee on Public Works, to whom was referred the bill (H.R. 4148) to amend the Federal Water Pollution Control Act, as amended, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

The amendment strikes out all after the enacting clause and inserts a substitute text which appears in italic type in the reported bill.

PART I

Control of Pollution by Oil and Other Matter

The water pollution problem is a large and complex one. Previous reports submitted by this committee in support of the Federal Water Pollution Control Act of 1948, the amendments enacted in 1961, the Water Quality Act of 1965, and the Clean Water Restoration Act of 1966, have dealt in detail with what is happening to our water, what permitting the damage to continue will do to the Nation's health, safety, and development, and what must be done to stop the continuing damage and reverse the pollution process.

Repeatedly, increasing scientific and technical expertise have brought to the fore aspects of the broad problem of which we were not aware, or with which we had dealt inadequately in the past. Events of catastrophic proportions have confronted us with dramatic evidence of the need for new or better preventive or control laws and procedures.

27-173 O—69——1

It is in this context that the committee recommends—urges—the enactment of H.R. 4148, the Water Quality Improvement Act of 1969.

Recognition that oil is a potentially serious water pollutant is not new. The Congress recognized the need for control in the Oil Pollution Act of 1924 reported by this committee. But by almost any relevant yardstick, 1924 was an altogether different life. The breakup of the tanker *Torrey Canyon*, with its incalculable damage to the coast of England and its nearly $8 million cleanup cost, warned us that existing Federal oil pollution control programs would be inadequate to handle a similar catastrophe if it occurred here. Devastation of California's beaches 2 months ago by oil from an offshore drilling rig made the lesson loud and clear. It may not even be possible to assess the vast damage to marine life and recreation. This committee made an on-the-site investigation at Santa Barbara and found the physical situation appalling.

The Oil Pollution Act of 1924 is simply not sufficient to cope with such problems. It applies only to discharges and spills that are grossly negligent or willful; limited to vessels, it does not apply at all to spills from fixed installations such as pipelines, oil deposits, refineries, or manufacturing plants or other types of industrial activity using and storing large quantities of oil. Confined to oil, the 1924 act provides no protection against dozens of other potentially hazardous substances.

In addition to its contamination of water, shoreline, and beaches, oil often has severe effects on fish and wildlife, shellfish, and recreation. Untold ecological damage can result not only from the oil itself but also from chemicals used in attempting to deal with the oil. We must be able to combat this type pollution and prevent, wherever possible, catastrophies like these. It is in large part to that need that H.R. 4148 is addressed.

H.R. 4148 is not simple legislation. A section-by-section analysis is essential to its adequate presentation. That analysis appears as part II of this report. Part I of the report, here, is therefore confined to elaboration not appropriate in the bill itself.

Oil Pollution

Section 17(a) sets forth the definitions of the terms used in the bill. Subsection 17(a)(2) is a general definition of matter which would present an imminent and substantial hazard. The term could extend to more than 200 substances. The Secretary of the Interior is now reviewing a list of over 200 substances to determine what should in fact be held to be hazardous. Before this subsection can become meaningful, the Secretary will have to issue regulations, following the usual administrative procedures governing such issuance, identifying hazardous matter. The committee expects that the Secretary will proceed as rapidly as possible in this regard. Specific note should be made of the fact that the definition of matter does not include by-product material, source material, and special nuclear material as defined in the Atomic Energy Act of 1954.

The requirement that notice of discharge of oil or matter be given to appropriate authority, contained in subsection 17(b), is essential to expeditious and efficient cleanup action. It is a requirement placed upon the individual who is operationally *responsible* for the vessel or facility involved. It is not intended to include seamen, in the case of a

vessel, for example, or to a night watchman or janitor in the case of a facility. By this clarification, however, we do not mean that the requirement is limited to the president of a large corporation or the owner of a vessel. The emphasis is on *operationally* responsible at the time of discharge.

This provision does not extend to private waters such as landlocked ponds specifically built, for instance, to receive drilling refuse, or for similar purposes.

Public vessels are exempt from the penalty for failure to give notice but the committee expects that public agencies will by appropriate regulation or instruction require that operational personnel give the notice of discharge the bill demands.

The committee is aware that the term "substantial" as it appears in subsection 17(b) and in subsequent subsections of the bill is subject to varying interpretation and judgments. It is, as a practical matter, impossible to substitute a more specific term. What is a "substantial" discharge into a river or a harbor, for example, might be insignificant if discharged into the Atlantic when turbulent water would result in rapid dispersal. By the same token, an insignificant discharge at sea might well be overwhelming in another area.

With respect to the cleanup authority vested in the Federal Government under subsection 17(d)(1), the committee calls attention to the fact that the Federal Government is responsible for discharge cleanup without regard to the cause of the discharge (including acts of God) or the location of the waters of the United States into which it occurs. The committee urges that to the extent feasible in the particular situation the State and local groups already formed for continuing cleanup programs will be called upon for assistance.

The authority of the United States to remove or destroy a vessel where a marine disaster situation has created a substantial threat of pollution follows closely both the philosophy and the language of the same authority vested in the Corps of Engineers, by law in 1899, in situations where the vessel constitutes a threat to navigation. It should be noted that liability for the cost of such removal is limited to vessels negligently operated and thereby the cause or contributory to the cause of the disaster involved.

Subsection 17(e)(1) requires that the owner or operator immediately remove any discharge. If he fails to do so and the United States performs the cleanup, the willful or negligent owner or operator and vessel is liable for up to $10 million of the cleanup cost, or a sum equal to $100 per gross registered ton, whichever is less. This liability is a liability per vessel, per owner, except that in the case of a barge tow, each barge in the tow is considered to be a separate vessel. Under subsection 17(e)(1), the United States may proceed against the owner or operator of any vessel that causes or contributes to the cause of the discharge, even though the discharge actually comes from another vessel.

The cleanup liability provision with respect to onshore and offshore facilities, contained in subsection 17(f)(3), sets a maximum possible liability of $8 million. As to onshore facilities, it requires that the Secretary of the Interior, through full public hearing procedure and in consultation with interested Federal agencies, including the Small Business Administration, establish classifications of onshore facilities and activities and set differing limits of liability for each classification,

none of which may be in excess of $8 million. This subsection is so written as to provide a high liability for a large discharge from a major facility and at the same time insure that reasonable low liability will be set for the hundreds of small businesses and other facilities along our waters whose potential discharge would be small and upon whom a large liability could very well impose a ruinous burden. The subsection does not apply to any onshore facility until the Secretary establishes its classification, and the Secretary must submit intended classifications and liability limitations to the Congress at least 60 days before they are to become effective.

Subsection 17(g) requires that the Secretary of the Interior issue regulations "establishing environmental quality" criteria relating to the methods and procedures for the removal of oil and matter. The words "establishing environmental quality" refer solely to ecological protection and the chemicals, substances, or conceivable devices that may or may not, because of their efficacy on the one hand or deleterious effects on the other, be used in cleanup. These words do not extend in any sense, to the subject of environmental quality generally.

Subsection 17(g)(2) prescribes the civil penalty for violation of cleanup regulations. It protects the vessel owner or operator, and the person who owns or operates an onshore or offshore facility by requiring that notice be given and an administrative hearing be held before the penalty may be assessed. If the individual concerned disagrees with the assessment of the penalty, he has full de novo judicial protection in that the United States would have to bring an action in an attempt to collect the penalty.

Subsection 17(h)(1) authorizes a revolving fund to cover Federal cleanup costs. The "other funds" referred to in the subsection would be derived from reimbursements of cleanup costs and penalties. The fund may be used, under subsection 17(h)(2), to reimburse the States for their assistance in cleanup operations.

The reference to the "national contingency plan" in subsection 17(h)(2) includes the regional contingency plans provided for in the national plan.

Barges are specifically included in subsection 17(k)(1), requiring evidence of financial responsibility, because many barges are not registered.

The study of requirements for financial responsibility and limits of liability called for in subsection 17(k)(3) is necessary because neither the affected industries nor international underwriters have had previous experience in this area of discharge cleanup, and they were unable to supply the committee with adequate factual information in this regard. It is hoped that the results of the study, plus any experience gained in the interim, will disclose any need for amendment that may exist.

Control of Sewage From Vessels

Wastes from ships and boats are still another cause of pollution. It is most severe in bays, inlets, lakes, harbors, and marinas. These pollutants include sewage, oils, chemicals, and other wastes. Most vessels are not equipped to provide even minimal treatment. The growing popularity of recreation craft is almost certain to increase this source of pollution to significant proportions if corrective and preventive action is not set in motion now.

Section 18, contained in H.R. 4148, seeks to provide the corrective and preventive potential.

The definition of "marine sanitation device" includes chemicals, biochemicals, etc., that may be found to be sufficient for the necessary sewage treatment.

The committee wishes to make it clear that it expects the Secretary of the Interior to hold full administrative hearings before he issues the regulations with respect to standards of performance for marine sanitation devices required by subsection 18(b).

The committee also wishes to make it clear that in the application of the standards and regulations for existing vessels, the most careful consideration should be given to the problem of economic costs. The American-flag merchant marine is already in a critical position. More than 80 percent of the nonpassenger vessels are more than 20 years old, and if they are still in operation when the regulations become effective, the cost of their refitting would almost certainly be prohibitive. American-flag passenger vessels are few and are a marginal operation at best. It is obvious that a reasonable approach in these circumstances is called for.

In enforcing the prohibitions contained in subsection 18(b)(4) the committee expects reason to prevail. If the marine sanitation device on a given vessel stops operating while the vessel is out on the water, for example, enforcement action would certainly be inappropriate.

It should be emphasized that the research authority granted the Secretary of the Interior in H.R. 4148 is not intended to eliminate or otherwise affect research activities in similar areas being conducted by the Coast Guard, the enforcement arm for much of the control contained in this bill.

Area Acid and Other Mine Water Pollution Control Demonstrations

Acid mine drainage is another longstanding source of water pollution. The chemical quality of water is altered in streams receiving such drainage. The acid flow destroys fish and fish food organisms, damages recreational and esthetic values, corrodes transport equipment, bridges, and other structures exposed to the water. Waters so polluted require extra and expensive treatment when utilized for municipal and industrial water supplies. Acid drainage is associated with active as well as abandoned coal mining operations; the latter continue to produce acid for indefinite periods after mining is discontinued. An estimated 3.5 million tons of acid mine waters drain into the streams of the United States annually, damaging approximately 4,000 miles of streams.

Although we know what acid mine drainage does, we do not yet know what to do about it. The problem is substantial and possible solutions must be found. Section 19 contained in H.R. 4148 is a straightforward, self-explanatory authorization of a $15 million demonstration research program to seek those solutions.

Training Grants and Contracts

Sections 20 through 23 of the bill expand the training grants program already authorized in the Water Quality Act in an effort to alleviate

a critical shortage of skilled engineering aides, scientific technicians, and treatment plant operators. The need for this expansion is clearly supported by the report on the study of manpower and training needs in water pollution control. The recommended expansion is clearly set forth and the committee sees no interpretation problems.

Cooperation by All Federal Agencies in the Control of Pollution

Section 3 of H.R. 4148, in subsections 11(a) and 11(b), requires maximum feasible cooperation by all Federal agencies in the control and prevention of water pollution.

Subsection 11(a) deals directly with procedures for control of pollution caused by the administration or actual operation, either directly or by contract, of federally held real property or facilities. In attempting to insure that Federal facilities will be in compliance with the applicable water quality standards, the problems to be considered, the priorities to be assessed, and the relative values and public interests to be weighed, are very much akin to the problems, priorities, and interests which must be taken into account by a State when it is establishing water quality standards for a given area, by industries when they are making decisions on how and where they will expand capital investment, and by local governments in attempting to achieve a balance among health and welfare, economic development potential, and supportable tax structure.

The Federal Government obviously must balance much the same factors, within the limits of the funds available and within the broad and complex context of the national interest.

The disposition of dredged spoil is currently the most highly publicized of the possible sources of pollution from a Federal activity. Research is underway seeking to determine whether dredged spoil is in actuality an active pollutant, or if it is, to what extent its introduction into any given body of water does in fact lower the quality of that water. Whatever the answers are, the continuing viability of the rivers and harbors that produce the spoil are essential to the economies of the regions they serve and hence to the total national interest.

Transporting the spoil to available land disposition sites is extremely expensive; the land is costly and the transportation is costly. The States and localities would much prefer to preserve their land for more economically productive use. The Federal Government must allocate its available tax revenues among a great many equally clamorous public demands. The dilemma is clear; the attainable solutions are dimly seen at this point. Section 11(a) sets forth its present requirements accordingly, subject to future amendment as technology and available money increase and as more definitive local determinations, supportable in the national interest, are made.

Subsection 11(b) requires, first, that any applicant for a Federal license or permit to conduct an activity which may discharge into the navigable waters of the United States provide the Federal agency issuing the license or permit with a certification from the affected State or States or interstate water pollution control agency that the activity will be conducted in a manner that will not reduce the quality of the water below applicable water quality standards; second, that where water quality standards are issued by the Secretary under the

Water Quality Act of 1965 or where a State or interstate agency lacks authority to issue certification, the Secretary shall provide the certification; third, that in the case of multiple licenses or permits by one or more Federal agencies for the same activity, if the applicant receives a certification for one agency, it need not obtain a certification for the other agency or for succeeding permits or licenses unless the Secretary or the State, upon receipt of notice, objects, except that this provision does not apply to an application for an operating license or permit; and fourth, that no Federal license or permit may be issued until certification is received, except that in any case where actual physical construction of the facility itself has been lawfully commenced prior to the enactment of this act (and by this is meant actual excavation or building; site acquisition, construction of access roads, or similar preliminary or collateral activity would not satisfy the requirement) no certification shall be required under this subsection for a license or permit for the activity after the date of enactment and except, further, that any such license or permit issued without certification shall terminate at the end of the 2-year period beginning on the date of enactment of the Water Quality Improvement Act of 1969 unless prior to such termination date the person having the license or permit submits to the licensing Federal agency a certification which otherwise meets the requirements of this subsection.

A wide variety of licenses and permits (construction, operating and otherwise) are issued by various Federal agencies. Many of them involve activities or operations potentially affecting water quality. The purpose of subsection 11(b) is to provide reasonable assurance (as determined by the affected State, States, or the Secretary of the Interior) that no license or permit will be issued by a Federal agency for an activity that through inadequate planning or otherwise could in fact become a source of pollution.

The language of the legislation is intended to eliminate duplicating certification requirements, and to afford a safeguard against too broad a use of the single certification.

On March 11 last, our esteemed colleague, the chairman of the Joint Committee on Atomic Energy, expressed his concern about possible conflict between this proposed legislation and the regulatory authority and responsibilities of the Atomic Energy Commission. The legislation here reported, as it relates to nuclear-generating facilities, concerns itself with thermal pollution. Thirty-four of the Nation's 54 jurisdictions now have approved thermal standards for water quality. Heat pollution from industrial and powerplant sources can be expected to increase at a very substantial rate, based on projections of industrial growth and electric power demands. Increased water temperatures affect a stream's capacity to assimilate wastes. Temperature changes also can ruin water for fishing and recreation.

The chairman of the Joint Committee raised, essentially, six points. First, he was fearful that an undesirable competitive factor would develop by virtue of the possibility that a significant fraction of all new electrical generating capacity (other than nuclear) would not be covered by subsection 11(b). The committee believes this concern is met by the fact that a Federal license or permit of some kind is required for almost all electric generating plants, and any Federal agency granting the relevant license can and should condition the grant upon compliance with applicable water quality standards.

Second, the chairman questioned the need for certification for both the construction license and the operating license which the Commission grants. Based on testimony by the Commission, the committee has concluded that the very different character of the two applications, the long period of time that elapses between their issuance, and the uncertainty as to the finality of plans at the construction license stage, all support the requirements for certification with respect to both applications.

Third, the chairman of the Joint Committee recommended that where construction licenses have already been issued, those facilities be exempt from any certification requirement. The problem of a construction permit already issued when the act is passed is of course not peculiar to nuclear facilities, and the committee recognizes that some relief must be accorded in such cases. The subsection therefore provides, as has been outlined above, that where actual physical construction of a plant is already underway, certification is postponed for a period of 2 years, which the committee believes is sufficient time to permit whatever action may be necessary to comply with the water quality standards and obtain the certification.

Fourth, the chairman recommended that judicial authority to suspend a permit on license should be discretionary rather than mandatory, and that recommendation has been followed.

Fifth, the chairman recommended that the certifying agency be required to state "reasonable assurance" of compliance with water quality standards, rather than guaranteeing compliance, and that recommendation has been followed.

And finally, the chairman was concerned that the subsection might in some way, through the water quality standards, alter the Commission's preemptive authority as to radiological health and safety standards, as it is contained in the Atomic Energy Act of 1954. The committee is informed that nothing in subsection 11(b) could be construed as an amendment to the Atomic Energy Act of 1954.

The Atomic Energy Commission has informed the committee that doctors, hospitals, universities, and research institutions are licensed by the Commission to possess and use limited quantities of nuclear materials that might, in minute quantities, be disposed of through a waste treatment system. It is not intended that subsection 11(b) apply to these specific types of licenses or permits.

Section 8 of H.R. 4148 changes the name of the Federal Water Pollution Control Administration to the National Water Quality Administration. The committee believes that the agency should bear a designation that bespeaks its positive goals.

H.R. 4148 authorizes the following appropriations:

Item	Section identification	1970	1971	1972	Total amount
Cleanup revolving fund	17(h)(1)	$20,000,000			$20,000,000
Acid mine drainage reserve	19(d)(1)	15,000,000			15,000,000
Training grants and contracts	23(c)(3)	12,000,000	$25,000,000	$25,000,000	62,000,000
Estuary research extension	5(k)(4)	1,000,000			1,000,000
General research, investigation, and training extension.	5(l)	65,000,000	62,000,000		130,000,000
Project research extension	6(e)	60,000,000	60,000,000		120,000,000
Total		173,000,000	150,000,000	25,000,000	348,000,000

In the water pollution control laws enacted in earlier years, the Congress has authorized the expenditure of approximately $3 billion for all phases of the program. Thus far about two-thirds of that has actually been appropriated at the Federal level. Progress in development of the technology for dealing effectively with water pollution has made tremendous strides. Progress in applying the technology creeps along, and achieving clean water becomes more and more a life and death matter with each passing year. The committee, therefore, respectfully urges that the authorizations contained in this bill be fully funded, and that as to the water pollution control program as a whole, Federal, State, and local governments and the Nation's industries carefully reexamine their present positions in terms of the national jeopardy inherent in the failure to act affirmatively on a large scale.

PART II

Section-by-Section Explanation of H.R. 4148, as Reported

Section 1

This section would cite the act as the "Water Quality Improvement Act of 1969."

Section 2

This section would add seven new sections (17, 18, 19, 20, 21, 22, and 23) to the Federal Water Pollution Control Act.

Control of Pollution by Oil and Other Matter

Section 17(a) would define various terms used in this new section.

Paragraph (1) would define the term "oil" to include fuel oil, sludge, and oil refuse, but to exclude oil mixed with dredged spoil.

Paragraph (2) would define the term "matter" to include any substance which, when discharged in substantial quantities, presents, in the judgment of the Secretary of the Interior, an imminent and substantial hazard to the public health or welfare. The definition specifically excludes from this term oil, dredged spoil, and sanitary wastes, and certain material now covered by the Atomic Energy Act of 1954. In the latter case, the committee is advised by the AEC that it has adequate authority to require its licensees to take measures to prevent damage from discharges of these materials. Under this definition, the Secretary would be expected to publish a list from time to time of the types of substances included in this definition in order to inform the public in accordance with established administrative procedures.

Paragraph (3) defines the term "discharge."

Paragraph (4) defines the term "remove or removal" to mean the taking of reasonable and appropriate measures to mitigate the potential damage that a discharge of oil or matter might have on the public health or welfare including fish, shellfish, wildlife, and private and public beaches and shorelines.

Paragraphs (5) and (6) define the terms "vessel" and "public vessel."

Paragraph (7) defines the term "United States."

Paragraph (8) defines the term "owner or operator."

Paragraph (9) defines the term "person."

Paragraph (10) defines the term "contiguous zone" which means the zone established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone.

Section 17(b) would require that any individual in charge of a vessel, other than a public vessel or an offshore or onshore facility or a Federal or State facility, at the time of a discharge of oil in substantial quantities into the navigable waters of the United States or into the waters of the contiguous zone must immediately notify either the Secretary of the Interior or the Coast Guard as soon as he has knowledge of the discharge. While the language of the section does not require notification by individuals in charge of public vessels or federally or State-owned facilities, it is expected that the Federal Government and the States will take appropriate measures to insure that some procedure is adopted to provide notification where there are discharges from such vessels or facilities.

This section would also provide a criminal penalty for any individual in charge of such vessel or facility who fails to notify the Secretary or the Coast Guard of a discharge. The term "individual in charge" is deliberately designed to cover only supervisory personnel who have the responsibility for the particular vessel or facility and not to include other employees.

Section 17(c)(1) would prohibit the discharge of oil or matter in substantial quantities from any vessel into or upon the navigable waters of the United States or adjoining shorelines or beaches, or into or upon the waters of the contiguous zone, if such oil threatens to pollute or contribute to the pollution of the territorial sea of the the United States, and subjects violators to the penalties in section 17(c)(2). The section excepts from this prohibition various circumstances such as acts of war or sabotage or acts of God, or unavoidable accidents, collisions, or strandings, or discharges permitted under article IV of the 1954 International Convention for the Prevention of Pollution of the Sea by Oil.

Section 17(c)(2) would provide a civil penalty against the owner or operator of a vessel, except a public vessel, and against the vessel of up to $10,000 where there is a willful or negligent discharge of oil or matter in substantial quantities from such vessel. No penalty can be assessed unless the owner or operator or vessel is given notice and an opportunity for a hearing. Each violation is a separate offense. The penalties will be assessed by the Coast Guard. In determining the amount of the penalty or in compromising the penalty, the Coast Guard must take into consideration the size of the business, the ability of the owner or operator to continue in business, and the gravity of the violation. Provision is made for withholding clearance of the vessel until the penalty is paid and for the filing of bonds or other sureties. The penalty will constitute a lien on the vessel which may be recovered in an action in rem.

Section 17(d)(1) would require that the United States remove or arrange for the removal of any oil or matter discharged into any waters, shorelines, or beaches, when in the judgment of the Secretary of the Interior, such discharged oil or matter presents an actual or threatened pollution hazard without regard to any question of fault. Under this section, the United States would only exercise this authority if the United States determines that the owner or operator or a

vessel or facility has not made adequate arrangements for removal of the oil or matter as required by this legislation.

Section 17(d)(2) would provide authority similar to that found in an 1899 statute administered by the Secretary of the Army (33 U.S.C. 415). The section in many respects is patterned after the 1899 statute. The section would authorize the United States, in the case of a marine disaster within the navigable waters of the United State which has created a substantial threat of a pollution hazard because of an actual or imminent discharge of oil or matter from the vessel, to coordinate and direct public and private efforts in the removal or alleviation of the threat, and to remove summarily and if necessary destroy the vessel by whatever means are available. The expense of removing the vessel shall be charged against the vessel's cargo and the owner or operator where it is shown that negligent operation of the vessel caused or contributed to the marine disaster. If the owner or operator fails to reimburse the United States of such expense within a specified time, the United States may sell the vessel or its cargo, and deposit the proceeds in the revolving fund established by this section.

Section 17(e)(1) would require that the owner or operator of a vessel who willfully or negligently discharges or permits or causes or contributes to the discharge of oil or matter into the navigable waters of the United States or adjoining shorelines or beaches, or into the waters of the contiguous zone, immediately remove the discharged oil or matter in accordance with the regulations prescribed by this section. In any case where the United States removes the oil or matter, the vessel and the owner or operator shall be liable to the United States for the cost thereof. The liability to the United States, however, with respect to each offending vessel and the owner or operator of each offending vessel shall not exceed $10 million or $100 per gross registered ton, whichever is the lesser amount. The term "registered" should not be construed to mean that the vessel is listed in the official register of vessels of a country. Thus, it need not be registered. This limitation on liability is intended to be the only limitation on liability for discharge of oil or matter under this section, notwithstanding any other provisions of law. This section would provide for the withholding of clearance of a vessel until these costs are paid and for posting of bonds or other sureties. It also provides for the establishment of a maritime lien on the vessel which may be recovered in an action in rem.

This section would also authorize the United States to bring an action against the owner or operator in any court of competent jurisdiction to recover such costs. The United States shall also have a cause of action against any other owner or operator or vessel whose willful act or negligence was found to cause or contribute to the discharge of the oil where there has been a collision or other casualty.

Section 17(e)(2) would provide that, in case of any action instituted by the United States to recover its cost of cleanup and certain penalties under this section, the evidence of a discharge of oil or matter shall constitute a prima facie case of liability to the United States on the part of the owner or operator of the vessel or the person owning or operating an onshore or offshore facility. The burden of rebutting such prima facie case would be on the owner or operator or person as appropriate. This burden, however, shall not affect any rights which such owner or operator or person may have against other vessels or facilities or owners or operators or

persons whose willful act or negligence may in some way have caused or contributed to the discharge.

Section 17(f)(1) would require that any person who owns or operates an onshore facility other than a Federal- or State-owned facility and who willfully or negligently discharges or permits the discharge of oil or matter into any waters must immediately remove the oil or matter in accordance with the regulations prescribed under this section.

Section 17(f)(2) would require that any person who owns or operates an offshore facility other than a Federal or State facility which is located within the seaward boundaries of a State as defined in the Submarginal Lands Act of 1953, and who willfully or negligently discharges or permits the discharge of oil or matter from such facility into any waters or shorelines or beaches, must immediately remove the oil or matter under the regulations prescribed under this section.

Section 17(f)(3) would provide that if the United States removes oil or matter discharged from any onshore or offshore facility just mentioned, the person who owns or operates the facility shall be liable to the United States for the cost incurred therein provided that such liability shall not exceed $8 million. The Secretary shall establish by regulation, in consultation with the Secretary of Commerce and the Small Business Administration, reasonable and equitable classifications of onshore facilities and activities and apply with respect to such classifications differing limits of libility which may be less than such $8 million limitation and none of which shall be in excess of $8 million. The classifications would take into account the types of businesses and other facilities affected. The provisions of section 17(f)(3) shall not apply to any onshore facility until it comes within the classification established by the Secretary. The Secretary's classification, however, shall not be established until the expiration of at least 60 days after notification to the Congress of such intended classification.

Under existing law under the terms of the Outer Continental Shelf Lands Act of 1953 the Secretary of the Interior now has the authority to impose such rules and regulations by lease agreements as he determines necessary for the operation of offshore drilling in that particular area. The Secretary has implemented such rules and regulations by departmental action in February of this year.

Section 17(f)(5) would provide that the provisions in section 17(f) relative to the imposition of any requirement or liability limitations on onshore or offshore facilities with respect to the discharge of oil or matter into any waters within the jurisdiction of a State shall not be considered as an attempt to preempt the authority of the State or any political subdivision thereof to impose additional requirements on such facilities.

Section 17(g)(1) would require that within 60 days after the enactment of this section the Secretary of the Interior must issue regulations establishing environmental quality criteria relative to methods and procedures of removing discharged oil and matter and that the Coast Guard must by regulations establish procedures, methods, or equipment consistent with such regulations for the removal of such discharged oil or matter. The objective of these regulations would be to insure that the waters, beaches, and shorelines, including the marine environment, will not be damaged through the use of harmful chemicals

or other materials. This section would also provide for the issuance, by the Coast Guard of regulations establishing procedures, methods, and equipment to prevent discharges of oil from vessels, within 60 days after enactment. These regulations may be revised from time to time.

Section 17(g)(2) would establish civil penalties for the violation of any regulations issued under subsection 17(g)(1) relative to the removal of discharged oil or matter. Each violation would be a separate offense and the Coast Guard would assess the penalty and other compromise. The penalty shall not be assessed until notice and an opportunity for a hearing have been given. In order to collect the penalty finally, the United States would have to file a civil action in the U.S. district courts which will provide a de novo proceeding.

Section 17(h)(1) of the bill would establish a revolving fund in the Treasury to be administered by the Coast Guard of not to exceed $20 million and authorize appropriations in that amount to the fund as well as the depositing of other revenues received by the United States under this section 17 of the act. Sums deposited into the fund shall be available to reimburse a State or political subdivision thereof that assists in the removal of any discharged oil or matter. The moneys in the fund shall be available until expended.

Section 17(h)(2) would provide for the delegation by the President within 90 days after the enactment of this section of the authority for the United States to remove discharged oil or matter to the Coast Guard or to the Secretaries of Defense or Interior or other Federal agencies in accordance with any national contingency plan or revision thereof which has been approved by the President, including regional contingency plans. Each agency to which this authority is delegated will be able to utilize the personnel, services, and facilities of other Federal and State agencies.

Section 17(h)(3) would authorize the Secretary of the Interior to issue regulations in consultation with the Coast Guard permitting discharges of oil or matter under such conditions as he may prescribe and at times and locations deemed appropriate by him.

Section 17(h)(4) would provide that the provisions prohibiting discharges of oil or matter from vessels and the regulations issued under section 17(g) of this section shall be enforced by the Coast Guard and that the Coast Guard may utilize the services of other Federal and State agencies in carrying out these provisions.

Section 17(h)(5) would authorize the Coast Guard to board and inspect facilities and to make arrests in connection with any violations of this act.

Section 17(h)(6) would provide for the bringing of actions in certain courts where violations have occurred in Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

Section 17(i) would provide that the provisions of section 17 shall not affect or modify the obligations of any owner or operator of any vessel or onshore or offshore facility under other provisions of law for damages to public or privately owned property which might occur as a result of a discharge of oil or matter or as a result of actions taken in the removal of such discharges.

Section 17(j) would provide that the provisions of section 17 shall not be construed as authorizing either the Secretary of the Interior

or the Coast Guard to regulate the operations or construction of any onshore or offshore facility. This section also would provide that the provisions of section 17 shall not be construed as affecting or modifying any other existing authorities of either Secretary relative to such facilities under this act or any other provision of law.

Section 17(k)(1) would provide that any vessel over 100 gross registered tons which uses any port or place in the United States or the navigable waters of the United States for any purpose must establish evidence of financial responsibility to meet the maximum potential liability to the United States which the vessel could be subjected to for the willful or negligent discharge of oil or matter under this section. In any case where the owner or operator of the vessel owns, operates, or charters a fleet of vessels, he need only establish financial responsibility to meet the maximum liability to which the largest of these vessels could be subjected. The financial responsibility should be established pursuant to regulations to be prescribed from time to time by the agency head to which the President has delegated this responsibility. Financial responsibility may include insurance policies, bonds, evidence of self-insurance, or evidences of such responsibility that the agency head deems appropriate. All bonds filed must be issued by a bonding company authorized to do business in the United States. Provisions of financial responsibility also apply to barges that are equivalent in size to vessels over 100 tons. The term "registered" does not mean that the vessel itself must be registered in the official listing of vessels of a country.

Section 17(k)(2) would provide that the financial responsibility provisions of section 17(k)(1) shall become effective 1 year after enactment of this section. The President is required to delegate this responsibility to the appropriate agency head within 60 days after enactment. In addition, the necessary regulations to implement this section must be issued within 6 months after the effective date of the section.

Section 17(k)(3) directs that the Secretary of Transportation, in consultation with the Secretaries of Interior, State, Commerce, and other Federal agencies such as the Small Business Administration and representatives of various industries such as the merchant marine, oil, and insurance industries and other interested persons conduct a study relative to other measures to provide financial responsibility and limitations of liability with regard to vessels and measures to provide financial responsibility for onshore and offshore facilities, and finally measures relative to the limitations of liability on such facilities in relation to the cost of removing discharged oil or matter and the payment of all damages that may result from the discharge of oil or matter and from the removal of the discharges. The study is to be completed by January 1, 1971, and a report sent to the Congress with appropriate recommendations, including legislative recommendations.

Control of Sewage From Vessels

Section 18 would provide for the control of sewage from vessels including foreign vessels using our waterways and commercial and recreational vessels.

Section 18(a) would define various terms used in the new section.

Section 18(b) would direct the Secretary of the Interior to promulgate Federal standards of performance for marine sanitation devices to be installed and operated on board vessels subject to this new section. The term "marine sanitation device" is defined to include equipment on board the vessel which is designed to receive, retain, treat, or discharge sewage. It is intended that this definition could include chemical treatment as a device for treating sewage. The objectives of the standards would be to insure that these devices will prevent the discharge of untreated or inadequately treated sewage into or upon U.S. waterways. The standards must be consistent with maritime safety and other marine laws and regulations. In addition, the Coast Guard must also promulgate regulations governing the design, construction, installation, and operation of these devices on board these vessels. It is expected that both agencies will conduct appropriate public hearings to afford interested persons and industries and the States an opportunity to comment on proposed standards and regulations. It is also expected that both agencies will work closely together in the development and promulgation of the standards and regulations.

Section 18(c) would provide that the initial standards and regulations will be effective for new vessels—that is, vessels constructed after such standards and regulations are promulgated—2 years after promulgation, but not earlier than December 31, 1971, and for existing vessels—that is, vessels constructed prior to promulgation of the standards and regulations—5 years after promulgation.

Both Interior and Coast Guard, in issuing standards and regulations, may distinguish among classes, types, and sizes of vessels as well as between new and existing vessels. Both may exempt such vessels from the applicability of the standards and regulations for such periods of time as may be necessary and upon application for individual vessels. This waiver authority could be accomplished at the time the standards and regulations are promulgated.

Section 18(d) would provide that this new section and the standards and regulations issued thereunder would apply to vessels owned and operated by the United States unless the Secretary of Defense finds that such compliance would be contrary to the interests of national security. The regulations required by this section and the certifications required under section 18(g) of this section shall be promulgated and issued by the Secretary of Defense rather than by the Coast Guard.

Section 18(e) would require that before the standards and regulations are promulgated, the Secretary of the Interior and the Coast Guard will consult with other interested Federal agencies, the States, and appropriate representatives of the various industries affected and shall comply with the rulemaking provisions of title 5 of the United States Code, formerly known as the Administrative Procedures Act.

Section 18(f) would provide that once the initial standards and regulations are effective a State or a political subdivision thereof may not adopt or enforce any law or regulation governing the design, manufacture, or installation of any marine sanitation device on board any vessel subject to the Federal standards and regulations. The section would not, however, affect the State's authority to prohibit completely all sewage discharges from vessels in particular intrastate waters of the State, regardless of whether the sewage is treated or not.

In such cases however, the State must also prohibit waste discharges from all other sources.

Section 18(g) would prohibit the sale or delivery into interstate commerce or importation into the United States of any marine sanitation device unless such device is in all material respects substantially the same as the test device certified by the Coast Guard under this section. The subsection would require the Coast Guard to certify upon application of each manufacturer of these devices if he finds that they meet the standards and regulations promulgated under this section. The Coast Guard would require the manufacturer to test the device in accordance with procedures set forth by the Secretary of the Interior as to performance or he shall test it himself. It would be up to the Coast Guard to determine if the results of the test are in accordance with the appropriate performance standards. If the Coast Guard finds that the device is satisfactory from the standpoint of safety and other requirements of maritime law or regulation, and after considering the design, installation, operation, and material, and other appropriate factors, he would certify it.

Every manufacturer would be required to maintain records and provide such information as the Secretary or the Coast Guard may need to enable them to determine whether the manufacturer has acted or is acting in compliance with this section and regulations thereunder.

Section 18(h) would provide that after the effective date of standards and regulations promulgated by Interior and Coast Guard it shall be unlawful (1) to manufacture for sale vessels subject to the standards and regulations without a certified device; (2) for a vessel to operate on the navigable waters of the United States subject to the standards and regulations, if it is not equipped with an operable marine sanitation device; (3) to refuse Federal authorities access to records; and (4) to move or render inoperative, wrongfully, a certified device installed prior to sale or delivery to the ultimate purchaser.

Section 18(j) would establish civil penalties for violation of section 18(h) to be assessed by the Coast Guard. The maximum penalty against the manufacturer and dealer is $5,000 and against other persons violating 18(h)(4) $2,000. The penalty cannot be assessed until there is notice and an opportunity for a hearing.

Sections 18 (k) and (l) would provide that the enforcement of this new section would be carried out by the Coast Guard and that the Coast Guard may utilize the services, personnel, and facilities of the Secretary of the Interior and other Federal agencies where appropriate.

Section 18(m) would provide jurisdiction in the courts of Guam and the Virgin Islands in the case of actions arising under this section. In the case of American Samoa and the Trust Territory of the Pacific Islands, these actions may be brought in the district court for the district of Hawaii.

Acid Mine Pollution Control

Section 19 would authorize a demonstration program regarding acid or other mine water pollution control.

Section 19(a) would authorize the Secretary of the Interior to carry out an areawide program within all or part of a watershed to demonstrate methods for the elimination or control of acid or other mine water pollution resulting from active or abandoned mines. The work

would be done under agreements with the interested States or interstate agencies acting jointly or severally depending on where the project is located. The projects must demonstrate the engineering and economic feasibility and practicality of using single or multiple abatement techniques.

Section 19(b) would provide that the project area be all or part of a watershed. In selecting such an area, the Secretary must (1) require, to the extent needed, a feasibility study which may be carried out by the Secretary or the States, (2) give a preference to those areas with the greatest public values and uses either present or future, and (3) be satisfieh that the project area will not be affected to any serious degree from other polluting sources.

Section 19(c) would provide that the State share of a project shall be at least 25 percent of the total project costs. This payment may be in the form of land or interests therein actually acquired by the State or a subdivision thereof for the project after the enactment of this new section, facilities, and personal services, and money. The value of the land, facilities, and services will be determined by the Secretary. It is the purpose of this section to encourage the States to participate to the greatest extent possible so that there may be developed meaningful projects which will produce the experience needed to develop an effective control program.

The bill would require the State to establish adequate mechanisms and controls, including plans of enforcement, to prevent any activity that may cause future mine water pollution and destroy or severely damage the work carried out in the project area.

Section 19(d) would authorize a maximum appropriation of $15 million for this program. The funds would be available until expended. It would also limit the total Federal grant to any one State in any one year to 25 percent of the funds actually appropriated to carry out this program.

Training of Persons in Water Quality Control

Section 20 would authorize grants and contracts with institutions of higher education to assist these institutions with programs or projects to train undergraduate students interested in the design, operation, including supervision, inspection, and evaluation, and maintenance of waste treatment works and other facilities for water quality control. The grants or contracts may be used to plan programs or projects to train persons in the operation of such works, to train and retrain faculty, to conduct institutes, to carry out new cooperative work-study programs involving the operation and maintenance of such works, and to conduct research and development projects to train students or faculty.

Section 21 would provide that a grant or contract under section 20 may be made only upon application to the Secretary, submitted at such time or times and containing such information as the Secretary determines necessary. The Secretary shall not approve an application unless it (1) sets forth a program for carrying out two or more projects or activities which meet the requirements of section 20 and provide for proper and efficient methods of administration, (2) provides the necessary fiscal control and further accounting procedures, and (3) provides for such reports as the Secretary may require to

carry out his functions under this section and for the keeping of appropriate records.

It is expected that the applications would also set forth policy and procedures which would assure that the Federal funds dispersed under this section in any fiscal year will be used, not to supplant, but to supplement, and, to the extent practicable, increase the funds that might be available to the institution in the absence of the Federal funds.

The section would direct the Secretary to allocate section 20 grants or contracts in a manner that would equitably distribute them nationwide among the qualified educational institutions that show, in his judgment, promise that they can use the funds effectively to obtain the goals of this program. Payments made by the Secretary will be available under the Secretary's regulations and in accordance with such conditions as he may prescribe to pay a portion of the compensation of a student employed to a work-study program in connection with the operation or maintenance of waste treatment works. The payments, however, could not apply to regular employees of such works or Government employees.

Section 22 would provide a program of scholarships for undergraduate study by persons who plan to enter into the field of operation and maintenance of waste treatment works. The duration of the scholarship will be the period, not in excess of 4 academic years, required by the recipient to complete his undergraduate course of study at the institution. The scholarship will entitle the recipient to payments only if he (1) is maintaining satisfactory progress in the course of study which he is pursuing, and (2) is devoting full time to that course of study or research and not engaging in any gainful employment other than employment approved by the Secretary under regulations prescribed by him. In addition, the Secretary shall by regulation provide that recipients of a scholarship must agree in writing in advance to enter and remain in an occupation involving the design, operation, or maintenance of waste treatment works after the completion of the recipient's studies for such period as the Secretary determines appropriate. The Secretary must allocate scholarships among institutions of higher education for the use of individuals accepted into approved programs of such institutions according to a plan which, to the extent practicable, will provide an equitable distribution of the scholarships nationwide and attract recent graduates from secondary schools to enter the field of operating and maintaining waste treatment works.

The Secretary will approve a program of an educational institution for the purposes of section 22 upon application by the institution and upon the finding that the principal objective of the program is to train and educate persons in the maintenance and operation of treatment works, that the program is of high quality and can readily be put into effect, that the application describes the relation of the program to any program activity, research, or development set forth by the institution in any application it may have under section 20 of this act, and finally that the application contains assurance satisfactory to the Secretary that the institution will recommend to the Secretary for scholarships only persons who have clearly demonstrated a serious intent upon entering the program to enter into the operation and maintenance of waste treatment works, and that the institution will

develop programs to encourage scholarship recipients to enter into such an occupation upon completion of their studies.

The Secretary shall pay to scholarship recipients such stipends as he determines to be consistent with the prevailing practices under comparable federally supported programs. In addition to the stipends, the Secretary shall pay to the educational institution at which such person is pursuing his course of study, an amount he determines to be consistent with prevailing practices under comparable federally supported programs in support of the student.

To guide participating institutions it is expected the Secretary will prescribe basic criteria or schedules for the determination of the scholarship amounts. These criteria or schedules will take into account the objective of the program, the need of the student, and other factors that the Secretary determines relevant.

Section 23 would define various terms used in sections 20 through 23 including the definition of an institution of higher education and directs that the Secretary publish a list of nationally recognized accredited agencies or associations which he determines to be reliable authorities as to the quality of training offered by an educational institution.

This section also requires an annual report of the activities under sections 20 through 23 to the Congress, including recommendations for needed revisions thereof. In addition, this section would authorize appropriations for fiscal years 1970, 1971, and 1972 to carry out sections 20 through 23 including such planning and implementation activities that may be needed to carry out the purposes of these sections. Funds appropriated for fiscal year 1970 shall be available for obligation in that fiscal year and the succeeding fiscal year. The total authorized appropriations for the 3 fiscal years is $62 million.

It should be emphasized that the provisions of sections 20 through 23 are in addition to those provisions of section 5 of the Federal Water Pollution Control Act and are not intended to supplant those provisions which relate to the training of persons in the field of water quality control. Under those sections a number of persons are now receiving training in the field of water quality control which will be useful not only in the operation and maintenance of treatment works, but in the entire field of water quality control including research, investigations, and planning.

Section 3

This section would amend section 11 of the Federal Water Pollution Control Act, as amended.

Section 11(a) is designed to put into statutory terms the provisions of the President's Executive Order 11288 for the prevention, control, and abatement of water pollution by Federal activities, either directly or by contract. This section would require that every Federal agency having jurisdiction over any real property or facility shall take immediate and appropriate steps to insure compliance with applicable Federal, State, and local water quality standards and the purposes of the Federal Water Pollution Control Act in the administration of the property or facility. This section would recognize, however, that this requirement is subject to the availability of appropriations and the needs of the United States, but it is intended that every effort be made

to carry out its directives and to seek the necessary appropriations to do so. In any summary of a conference made pursuant to section 10(d)(4) of the Federal Water Pollution Control Act, the Secretary must also include references to discharges which might cause or contribute to the pollution of any waters from Federal property or facilities and transmit a copy of his summary to the appropriate Federal agency head. Also, notice of any hearing under section 10(f) of the act shall be given to the Federal agency having jurisdiction over the property or facility involved and the finding and recommendations of the hearing board shall include references to the discharges from such Federal facility or property.

Section 11(b) would require that applicants, other than a Federal agency, seeking a Federal license or permit to conduct any activity of any kind or nature which may result in discharges into the navigable waters of the United States must provide the Federal licensing or permitting agency with a certification from the affected State or States or interstate water pollution control agency that there is reasonable assurance, as determined by that agency, that such activity will be conducted in a manner that will not reduce the quality of such waters below applicable Federal or State or local water quality standards. In any instance where the water quality standards have been promulgated by the Secretary of the Interior under section 10(c)(2) of the act or where a State agency or interstate agency lacks authority to provide such a certification, then the certification shall be obtained from the Secretary of the Interior. In any case where an activity requires two or more licenses or permits by a single Federal agency or multiple Federal agencies and the applicant receives a certification under this section in connection with any one of those licenses or permits, then any Federal agency considering an application for a subsequent license or permit for that same activity, such Federal agency may accept the first certification as meeting the requirements of this section if, after notice to the affected State or States or interstate agencies or to the Secretary, as appropriate, no written objection is made to the granting of such license or permit without a subsequent certification. This exception, however, shall not apply to any application for an operating license or permit even if certification was obtained in the issuance of a construction permit or license by a Federal agency for the same activity.

In addition, once a license or permit has been issued it may be suspended if a court of competent jurisdiction subsequently finds that such licensee or permittee is not in compliance with applicable water quality standards. The provisions of this section are intended to apply to renewals of existing licenses or permits for any activities which discharge into the navigable waters of the United States.

In any case where the actual construction of a facility for the conduct of any activity has been lawfully commenced prior to the effective date of this legislation, no certification shall be required under section 11(b) for a Federal license or permit issued after the effective date of this legislation to conduct such activity. Any license or permit issued without the certification, however, shall terminate at the expiration of 2 years following the effective date of this legislation unless prior to such termination date the licensee or permittee submits to the Federal licensing or permitting agency a certification as required under section 11(b). The term "actual construction" is intended to mean the actual

building, erecting, excavation of a structure or other facility and does not include site acquisition, construction of access roads, engineering, architecture, legal, fiscal, economic investigation and studying, surveying, designing, or planning or other procedures not directly connected with the actual building of the facility.

This section prescribes that no Federal permit or license may be granted except in the manner just mentioned without a certification as prescribed by this section.

Section 4

This section amends section 5 of the Federal Water Pollution Control Act by adding four new subsections and by extending the provisions authorizing appropriations for 2 additional fiscal years at the level of authorization provided for fiscal year 1969, that is $65 million.

Section 5(g) authorizes the Secretary to enter into contracts and grants with various individuals, agencies, and organizations, for research and development on the problems of lake eutrophication and other lake pollution problems.

Section 5(h) would authorize the Secretary to acquire lands and interests therein by purchase with appropriated or donated funds, by donation, or by exchange, lands or interests therein in connection with development of field laboratories, research facilities, and demonstration projects.

Section 5(i) would direct that the Secretary shall engage in research studies, experiments, and demonstrations by grant, contract, or otherwise, in the prevention and control of oil pollution, including the removal of oil discharges.

Section 5(g) would direct that the Secretary engage in a program of research, studies, experiments, and demonstrations by grants, contracts, or otherwise relative to the equipment which is to be installed on board a vessel and which is designed to receive, retain, treat, or discharge sewage from vessels with particular emphasis on equipment for use on recreational vessels. The Secretary is directed to file a report of his findings prior to the effective date of any standards to be established under section 18 of the act.

Section 5

This section would amend section 6 of the act by extending the authorization for appropriations 2 additional fiscal years at the level of appropriation authorizations for fiscal year 1969, which is $60 million.

Sections 6 and 7

These sections are technical amendments.

Section 8

This section would change the name of the Federal Water Pollution Control Administration to the National Water Quality Administration. The purpose of this change is to provide a more positive approach to the program and to eliminate the negative approach attendant to the idea of control.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

FEDERAL WATER POLLUTION CONTROL ACT

AN ACT To provide for water pollution control activities in the Public Health Service of the Department of Health, Education, and Welfare, and for other purposes.

DECLARATION OF POLICY

SECTION 1. (a) The purpose of this Act is to enhance the quality and value of our water resources and to establish a national policy for the prevention, control, and abatement of water pollution.

(b) In connection with the exercise of jurisdiction over the waterways of the Nation and in consequence of the benefits resulting to the public health and welfare by the prevention and control of water pollution, it is hereby declared to be the policy of Congress to recognize, preserve, and protect the primary responsibilities and rights of the States in preventing and controlling water pollution, to support and aid technical research relating to the prevention and control of water pollution, and to provide Federal technical services and financial aid to State and interstate agencies and to municipalities in connection with the prevention and control of water pollution. The Secretary of Health, Education, and Welfare (hereinafter in this Act called "Secretary") shall administer this Act through the Administration created by section 2 of this Act, and with the assistance of an Assistant Secretary of Health, Education, and Welfare designated by him, shall supervise and direct (1) the head of such Administration in administering this Act and (2) the administration of all other functions of the Department of Health, Education, and Welfare related to water pollution. Such Assistant Secretary shall perform such additional functions as the Secretary may prescribe.

(c) Nothing in this Act shall be construed as impairing or in any manner affecting any right or jurisdiction of the States with respect to the waters (including boundary waters) of such States.

FEDERAL WATER POLLUTION CONTROL ADMINISTRATION

SEC. 2. Effective ninety days after the date of enactment of this section there is created within the Department of Health, Education, and Welfare a [Federal Water Pollution Control Administration] *National Water Quality Administration* (hereinafter in this Act referred to as the "Administration"). The head of the Administration shall be appointed, and his compensation fixed, by the Secretary. The head of the Administration may, in addition to regular staff of the Administration, which shall be initially provided from the personnel of the Department, obtain, from within the Department or otherwise as authorized by law, such professional, technical, and clerical assistance as may be necessary to discharge the Administration's functions and may for that purpose use funds available for carrying out such functions;

and he may delegate any of his functions to, or otherwise authorize their performance by, an officer or employee of, or assigned or detailed to, the Administration.

COMPREHENSIVE PROGRAMS FOR WATER POLLUTION CONTROL

SEC. 3. (a) The Secretary shall, after careful investigation, and in cooperation with other Federal agencies, with State water pollution control agencies and interstate agencies, and with the municipalities and industries involved, prepare or develop comprehensive programs for eliminating or reducing the pollution of interstate waters and tributaries thereof and improving the sanitary conditions of surface and underground waters. In the development of such comprehensive programs due regard shall be given to the improvements which are necessary to conserve such waters for public water supplies, propagation of fish and aquatic life and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses. For the purpose of this section, the Secretary is authorized to make joint investigations with any such agencies of the condition of any waters in any State or States, and of the discharges of any sewage, industrial wastes, or substance which may adversely affect such waters.

(b) (1) In the survey or planning of any reservoir by the Corps of Engineers, Bureau of Reclamation, or other Federal agency, consideration shall be given to inclusion of storage for regulation of streamflow for the purpose of water quality control, except that any such storage and water releases shall not be provided as a substitute for adequate treatment or other methods of controlling waste at the source.

(2) The need for and the value of storage for this purpose shall be determined by these agencies, with the advice of the Secretary, and his views on these matters shall be set forth in any report or presentation to the Congress proposing authorization or construction of any reservoir including such storage.

(3) The value of such storage shall be taken into account in determining the economic value of the entire project of which it is a part, and costs shall be allocated to the purpose of water quality control in a manner which will insure that all project purposes share equitably in the benefits of multiple-purpose construction.

(4) Costs of water quality control features incorporated in any Federal reservoir or other impoundment under the provisions of this Act shall be determined and the beneficiaries identified and if the benefits are widespread or national in scope, the costs of such features shall be nonreimbursable.

(c)(1) The Secretary shall, at the request of the Governor of a State, or a majority of the governors when more than one State is involved, make a grant to pay not to exceed 50 per centum of the administrative expenses of a planning agency for a period not to exceed 3 years, if such agency provides for adequate representation of appropriate State, interstate, local, or (when appropriate) international, interests in the basin or portion thereof involved and is capable of developing an effective, comprehensive water quality control and abatement plan for a basin.

(2) Each planning agency receiving a grant under this subsection shall develop a comprehensive pollution control and abatement plan for the basin which—

(A) is consistent with any applicable water quality standards established purusant to current law within the basin;

(B) recommends such treatment works and sewer systems as will provide the most effective and economical means of collection, storage, treatment, and purification of wastes and recommends means to encourage both municipal and industrial use of such works and systems; and

(C) recommends maintenance and improvement of water quality standards within the basin or portion thereof and recommends methods of adequately financing those facilities as may be necessary to implement the plan.

(3) For the purposes of this subsection the term "basin" includes, but is not limited to, rivers and their tributaries, streams, coastal waters, sounds, estuaries, bays, lakes, and portions thereof, as well as the lands drained thereby.

INTERSTATE COOPERATION AND UNIFORM LAWS

SEC. 4. (a) The Secretary shall encourage cooperative activities by the States for the prevention and control of water pollution; encourage the enactment of improved and, so far as practicable, uniform State laws relating to the prevention and control of water pollution; and encourage compacts between States for the prevention and control of water pollution.

(b) The consent of the Congress is hereby given to two or more States to negotiate and enter into agreements or compacts, not in conflict with any law or treaty of the United States, for (1) cooperative effort and mutual assistance for the prevention and control of water pollution and the enforcement of their respective laws relating thereto, and (2) the establishment of such agencies, joint or otherwise, as they may deem desirable for making effective such agreements and compacts. No such agreement or compact shall be binding or obligatory upon any State a party thereto unless and until it has been approved by the Congress.

RESEARCH, INVESTIGATIONS, TRAINING, AND INFORMATION

SEC. 5. (a) The Secretary shall conduct in the Department of Health, Education, and Welfare and encourage, cooperate with, and render assistance to other appropriate public (whether Federal, State, interstate, or local) authorities, agencies, and institutions, private agencies and institutions, and individuals in the conduct of, and promote the coordination of, research, investigations, experiments, demonstrations, and studies relating to the causes, control, and prevention of water pollution. In carrying out the foregoing, the Secretary is authorized to—

(1) collect and make available, through publications and other appropriate means, the results of and other information as to research, investigations, and demonstrations relating to the prevention and control of water pollution, including appropriate recommendations in connection therewith;

(2) make grants-in-aid to public or private agencies and institutions and to individuals for research or training projects and for demonstrations, and provide for the conduct of research,

training, and demonstrations by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes;

(3) secure, from time to time and for such periods as he deems advisable, the assistance and advice of experts, scholars, and consultants as authorized by section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a);

(4) establish and maintain research fellowships in the Department of Health, Education, and Welfare with such stipends and allowances, including traveling and subsistence expenses, as he may deem necessary to procure the assistance of the most promising research fellowships: *Provided*, That the Secretary shall report annually to the appropriate committees of Congress on his operations under this paragraph; and

(5) provide training in technical matters relating to the causes, prevention, and control of water pollution to personnel of public agencies and other persons with suitable qualifications.

(b) The Secretary may, upon request of any State water pollution control agency, or interstate agency, conduct investigations and research and make surveys concerning any specific problem of water pollution confronting any State, interstate agency, community, municipality, or industrial plant, with a view of recommending a solution of such problem.

(c) The Secretary shall, in cooperation with other Federal, State, and local agencies having related responsibilities, collect and disseminate basic data on chemical, physical, and biological water quality and other information insofar as such data or other information relate to water pollution and the prevention and control thereof.

(d) In carrying out the provisions of this section the Secretary shall develop and demonstrate under varied conditions (including conducting such basic and applied research, studies, and experiments as may be necessary):

(A) practicable means of treating municipal sewage and other waterborne wastes to remove the maximum possible amounts of physical, chemical, and biological pollutants in order to restore and maintain the maximum amount of the Nation's water at a quality suitable for repeated reuse;

(B) improved methods and procedures to identify and measure the effects of pollutants on water uses, including those pollutants created by new technological developments; and

(C) methods and procedures for evaluating the effects on water quality and water uses of augmented streamflows to control water pollution not susceptible to other means of abatement.

(e) The Secretary shall establish, equip, and maintain field laboratory and research facilities, including, but not limited to, one to be located in the northeastern area of the United States, one in the Middle Atlantic area, one in the southeastern area, one in the midwestern area, one in the southwestern area, one in the Pacific Northwest, and one in the State of Alaska, for the conduct of research, investigations, experiments, field demonstrations and studies, and training relating to the prevention and control of water pollution.

Insofar as practicable, each such facility shall be located near institutions of higher learning in which graduate training in such research might be carried out.

(f) The Secretary shall conduct research and technical development work, and make studies, with respect to the quality of the waters of the Great Lakes, including an analysis of the present and projected future water quality of the Great Lakes under varying conditions of waste treatment and disposal, an evaluation of the water quality needs of those to be served by such waters, an evaluation of municipal, industrial, and vessel waste treatment and disposal practices with respect to such waters, and a study of alternate means of solving water pollution problems (including additional waste treatment measures) with respect to such waters.

(g) The Secretary is authorized to enter into contracts with, or make grants to, public or private agencies and organizations and individuals for the purpose of developing and demonstrating new or improved methods for the prevention, removal, and control of natural or manmade pollution in lakes, including the undesirable effects of nutrients and vegetation.

(h) In carrying out the provisions of this section relating to the conduct by the Secretary of demonstration projects and the development of field laboratories and research facilities, the Secretary may acquire land and interests therein by purchase, with appropriated or donated funds, by donation, or by exchange for acquired or public lands under his jurisdiction which he classifies as suitable for disposition. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(i) The Secretary shall engage in such research, studies, experiments, and demonstrations as he deems appropriate relative to the removal of oil from any waters and to the prevention and control of oil pollution, and shall publish from time to time the results of such activities. In carrying out this subsection, the Secretary may enter into contracts with, or make grants to, public or private organizations and individuals.

(j) The Secretary shall engage in such research, studies, experiments, and demonstrations as he deems appropriate relative to equipment which is to be installed on board a vessel and is designed to receive, retain, treat, or discharge human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes with particular emphasis on equipment to be installed on small recreational vessels. The Secretary shall report to Congress the results of such research, studies, experiments and demonstrations prior to the effective date of any standards established under section 18 of this Act. In carrying out this subsection the Secretary may enter into contracts with, or make grants to, public or private organizations and individuals.

[(g)] *(k)*(1) The Secretary shall, in cooperation with the Secretary of the Army, the Secretary of Agriculture, the Water Resources Council, and with other appropriate Federal, State, interstate, or local public bodies and private organizations, institutions, and individuals, conduct and promote, and encourage contributions to, a comprehensive study of the effects of pollution, including sedimentation, in the estuaries and estuarine zones of the United States on fish and wildlife, on sport and commercial fishing, on recreation, on water supply and water power, and on other beneficial purposes. Such study shall also consider the effect of demographic trends, the exploitation of mineral

resources and fossil fuels, land and industrial development, navigation, flood and erosion control, and other uses of estuaries and estuarine zones upon the pollution of the waters therein.

(2) In conducting the above study, the Secretary shall assemble, coordinate, and organize all existing pertinent information on the Nation's estuaries and estuarine zones carry out a program of investigations and surveys to supplement existing information in representative estuaries and estuarine zones and indentify the problems and areas where further research and study are required.

(3) The Secretary shall submit to the Congress a final report of the study authorized by this subsection not later than three years after the date of enactment of this subsection. Copies of the report shall be made available to all interested parties, public and private. The report shall include, but not be limited to—

(A) an analysis of the importance of estuaries to the economic and social well-being of the people of the United States and of the effects of pollution upon the use and enjoyment of such estuaries;

(B) a discussion of the major economic, social, and ecological trends occurring in the estuarine zones of the Nation;

(C) recommendations for a comprehensive national program for the preservation, study, use, and development of estuaries of the Nation, and the respective responsibilities which should be assumed by Federal, State, and local governments and by public and private interests.

(4) There is authorized to be appropriated the sum of $1,000,000 per fiscal year for the fiscal years ending June 30, 1967, June 30, 1968, [and June 30, 1969,], *June 30, 1969, and June 30, 1970,* to carry out the purposes of this subsection.

(5) For the purpose of this subsection, the term "estuarine Zones" means an environmental system consisting of an estuary and those transitional areas which are consistently influenced or affected by water from an estuary such as, but not limited to, salt marshes, coastal and intertidal areas, bays, harbors, lagoons, inshore waters, and channels, and the term "estuary" means all or part of the mouth of a navigable or interstate river or stream or other body of water having unimpaired natural connection with open sea and within which the sea water is measurably diluted with fresh water derived from land drainage.

[(h)] (*l*) There is authorized to be appropriated to carry out this section, other than subsection [(g)] (*k*), not to exceed $60,000,000 for the fiscal year ending June 30, 1968, [and $65,000,000 for the fiscal year ending June 30, 1969] *and $65,000,000 per fiscal year for each of the fiscal years ending June 30, 1969, June 30, 1970, and June 30, 1971.* Sums so appropriated shall remain available until expended.

GRANTS FOR RESEARCH AND DEVELOPMENT

SEC. 6. (a) The Secretary is authorized to make grants to any State, municipality, or intermunicipal or interstate agency for the purpose of—

(1) assisting in the development of any project which will demonstrate a new or improved method of controlling the discharge into any waters of untreated or inadequately treated sewage or other wastes from sewers which carry storm water or both storm water and sewage or other wastes, or

(2) assisting in the development of any project which will demonstrate advanced waste treatment and water purification methods (including the temporary use of new or improved chemical additives which provide substantial immediate improvement to existing treatment processes) or new or improved methods of joint treatment systems for municipal and industrial wastes,

and for the purpose of reports, plans, and specifications in connection therewith.

(b) The Secretary is authorized to make grants to persons for research and demonstration projects for prevention of pollution of waters by industry including, but not limited to, treatment of industrial waste.

(c) Federal grants under subsection (a) of this section shall be subject to the following limitations:

(1) No grant shall be made for any project pursuant to this section unless such project shall have been approved by the appropriate State water pollution control agency or agencies and by the Secretary;

(2) No grant shall be made for any project in an amount exceeding 75 per centum of the estimated reasonable cost thereof as determined by the Secretary; and

(3) No grant shall be made for any project under this section unless the Secretary determines that such project will serve as a useful demonstration for the purpose set forth in clause (1) or (2) of subsection (a).

(d) Federal grants under subsection (b) of this section shall be subject to the following limitations:

(1) No grant shall be made under this section in excess of $1,000,000;

(2) No grant shall be made for more than 70 per centum of the cost of the project; and

(3) No grant shall be made for any project unless the Secretary determines that such project will serve a useful purpose in the development or demonstration of a new or improved method of treating industrial wastes or otherwise preventing pollution of waters by industry, which method shall have industry-wide application.

(e) For the purposes of this section there are authorized to be appropriated—

(1) for the fiscal year ending June 30, 1966, and for each of the next [three] *five* succeeding fiscal years, the sum of $20,000,000 per fiscal year for the purposes set forth in subsections (a) and (b) of this section, including contracts pursuant to such subsections for such purposes;

(2) for the fiscal year ending June 30, 1967, and for each of the next [two] *four* succeeding fiscal years, the sum of $20,000,000 per fiscal year for the purpose set forth in clause (2) of subsection (a); and

(3) for the fiscal year ending June 30, 1967, and for each of the next [two] *four* succeeding fiscal years, the sum of $20,000,000 per fiscal year for the purpose set forth in subsection (b).

GRANTS FOR WATER POLLUTION CONTROL PROGRAMS

SEC. 7. (a) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1957, and for each succeeding fiscal year to and including the fiscal year ending June 30, 1961, $3,000,000, for each succeeding fiscal year to and including the fiscal year ending June 30, 1967, $5,000,000, and for each succeeding fiscal year to and including the fiscal year ending June 30, 1971, $10,000,000 for grants to States and to interstate agencies to assist them in meeting the costs of establishing and maintaining adequate measures for the prevention and control of water pollution, including the training of personnel of public agencies.

(b) The portion of the sums appropriated pursuant to subsection (a) for a fiscal year which shall be available for grants to interstate agencies and the portion thereof which shall be available for grants to States shall be specified in the Act appropriating such sums.

(c) From the sums available therefor for any fiscal year the Secretary shall from time to time make allotments to the several States, in accordance with regulations, on the basis of (1) the population, (2) the extent of the water pollution problem, and (3) the financial need of the respective States.

(d) From each State's allotment under subsection (c) for any fiscal year the Secretary shall pay to such State an amount equal to its Federal share (as determined under subsection (h)) of the cost of carrying out its State plan approved under subsection (f), including the cost of training personnel for State and local water pollution control work and including the cost of administering the State plan.

(e) From the sums available therefor for any fiscal year the Secretary shall from time to time make allotments to interstate agencies, in accordance with regulations, on such basis as the Secretary finds reasonable and equitable. He shall from time to time pay to each such agency, from its allotment, an amount equal to such portion of the cost of carrying out its plan approved under subsection (f) as may be determined in accordance with regulations, including the cost of training personnel for water pollution control work and including the cost of administering the interstate agency's plan. The regulations relating to the portion of the cost of carrying out the interstate agency's plan which shall be borne by the United States shall be designed to place such agencies, so far as practicable, on a basis similar to that of the States.

(f) The Secretary shall approve any plan for the prevention and control of water pollution which is submitted by the State water pollution control agency or, in the case of an interstate agency, by such agency, if such plan—

(1) provides for administration or for the supervision of administration of the plan by the State water pollution control agency or, in the case of a plan submitted by an interstate agency, by such interstate agency;

(2) provides that such agency will make such reports, in such form and containing such information, as the Secretary may from time to time reasonably require to carry out his functions under this Act;

(3) sets forth the plans, policies, and methods to be followed in carrying out the State (or interstate) plan and in its administration;

(4) provides for extention or improvement of the State or interstate program for prevention and control of water pollution;

(5) provides such accounting, budgeting, and other fiscal methods and procedures as are necessary for the proper and efficient administration of the plan; and

(6) sets forth the criteria used by the State in determining priority of projects as provided in section 8(b)(4).

The Secretary shall not disapprove any plan without first giving reasonable notice and opportunity for hearing to the State water pollution control agency or interstate agency which has submitted such plan.

(g)(1) Whenever the Secretary, after reasonable notice and opportunity for hearing to a State water pollution control agency or interstate agency finds that—

(A) the plan submitted by such agency and approved under this section has been so changed that it no longer complies with a requirement of subsection (f) of this section; or

(B) in the administration of the plan there is a failure to comply substantially with such a requirement,

the Secretary shall notify such agency that no further payments will be made to the State or to the interstate agency, as the case may be, under this section (or in his discretion that further payments will not be made to the State, or to the interstate agency, for projects under or parts of the plan affected by such failure) until he is satisfied that there will no longer be any such failure. Until he is so satisfied, the Secretary shall make no further payments to such State, or to such interstate agency, as the case may be, under this section (or shall limit payments to projects under or parts of the plan in which there is no such failure).

(2) If any State or any interstate agency is dissatisfied with the Secretary's action with respect to it under this subsection, it may appeal to the United States court of appeals for the circuit in which such State (or any of the member States, in the case of an interstate agency) is located. The summons and notice of appeal may be served at any place in the United States. The findings of fact by the Secretary, unless contrary to the weight of the evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action. Such new or modified findings of fact shall likewise be conclusive unless contrary to the weight of the evidence. The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in title 28, United States Code, section 1254.

(h)(1) The "Federal share" for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States, except that (A) the Federal share shall in no case be more than 66⅔ per centum or less than 33⅓ per centum, and (B) the Federal share for Puerto Rico and the Virgin Islands shall be 66⅔ per centum.

(2) The "Federal shares" shall be promulgated by the Secretary between July 1 and September 30 of each even-numbered year, on

the basis of the average of the per capita incomes of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce.

(3) As used in this subsection, the term "United States" means the fifty States and the District of Columbia.

(4) Promulgations made before satisfactory data are available from the Department of Commerce for a full year on the per capita income of Alaska shall prescribe a Federal share for Alaska of 50 per centum and, for purposes of such promulgations, Alaska shall not be included as part of the "United States". Promulgations made thereafter but before per capita income data for Alaska for a full three-year period are available for the Department of Commerce shall be based on satisfactory data available therefrom for Alaska for such one full year or, when such data are available for a two-year period, for such two years.

(i) The population of the several States shall be determined on the basis of the latest figures furnished by the Department of Commerce.

(j) The method of computing and paying amounts pursuant to subsection (d) or (e) shall be as follows:

(1) The Secretary shall, prior to the beginning of each calendar quarter or other period prescribed by him, estimate the amount to be paid to each State (or to each interstate agency in the case of subsection (e)) under the provisions of such subsection for such period, such estimate to be based on such records of the State (or the interstate agency) and information furnished by it, and such other investigation, as the Secretary may find necessary.

(2) The Secretary shall pay to the State (or to the interstate agency), from the allotment available therefor, the amount so estimated by him for any period, reduced or increased, as the case may be, by any sum (not previously adjusted under this paragraph) by which he finds that his estimate of the amount to be paid such State (or such interstate agency) for any prior period under such subsection was greater or less than the amount which should have been paid to such State (or such agency) for such prior period under such subsection. Such payments shall be made through the disbursing facilities of the Treasury Department, in such installments as the Secretary may determine.

GRANTS FOR CONSTRUCTION

SEC. 8. (a) The Secretary is authorized to make grants to any State, municipality, or intermunicipal or interstate agency for the construction of necessary treatment works to prevent the discharge of untreated or inadequately treated sewage or other waste into any waters and for the purpose of reports, plans, and specifications in connection therewith.

(b) Federal grants under this section shall be subject to the following limitations: (1) No grant shall be made for any project pursuant to this section unless such project shall have been approved by the appropriate State water pollution control agency or agencies and by the Secretary and unless such project is included in a comprehensive program developed pursuant to this Act; (2) no grant shall be made for any project in an amount exceeding 30 per centum of the estimated

reasonable cost thereof as determined by the Secretary; (3) no grant shall be made unless the grantee agrees to pay the remaining cost; (4) no grant shall be made for any project under this section until the applicant has made provision satisfactory to the Secretary for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof; and (5) no grant shall be made for any project under this section unless such project is in conformity with the State water pollution control plan submitted pursuant to the provisions of section 7 and has been certified by the appropriate State water pollution control agency as entitled to priority over other eligible projects on the basis of financial as well as water pollution control needs; (6) the percentage limitation of 30 per centum imposed by clause (2) of this subsection shall be increased to a maximum of 40 per centum in the case of grants made under this section from funds allocated for a fiscal year to a State under subsection (c) of this section if the State agrees to pay not less than 30 per centum of the estimated reasonable cost (as determined by the Secretary) of all projects for which Federal grants are to be made under this section from such allocation; (7) the percentage limitations imposed by clause (2) of this subsection shall be increased to a maximum of 50 per centum in the case of grants made under this section from funds allocated for a fiscal year to a State under subsection (c) of this section if the State agrees to pay not less than 25 per centum of the estimated reasonable costs (as determined by the Secretary) of all projects for which Federal grants are to be made under this section from such allocation and if enforceable water quality standards have been established for the waters into which the project discharges, in accordance with section 10(c) of this Act in the case of interstate waters, and under State law in the case of intrastate waters.

(c) In determining the desirability of projects for treatment works and of approving Federal financial aid in connection therewith, consideration shall be given by the Secretary to the public benefits to be derived by the construction and the propriety of Federal aid in such construction, the relation of the ultimate cost of constructing and maintaining the works to the public interest and to the public necessity for the works, and the adequacy of the provisions made or proposed by the applicant for such Federal financial aid for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof. The sums appropriated pursuant to subsection (d) for each fiscal year ending on or before June 30, 1965, and the first $100,000,000 appropriated pursuant to subsection (d) for each fiscal year beginning on or after July 1, 1965, shall be allotted by the Secretary from time to time, in accordance with regulations, as follows: (1) 50 per centum of such sums in the ratio that the population of each State bears to the population of all the States, and (2) 50 per centum of such sums in the ratio that the quotient obtained by dividing the per capita income of the United States by the per capita income of each State bears to the sum of such quotients for all the States. All sums in excess of $100,000,000 appropriated pursuant to subsection (d) for each fiscal year beginning on or after July 1, 1965, shall be allotted by the Secretary from time to time, in accordance with regulations, in the ratio that the population of each State bears to the population of all States. Sums allotted to a State under the two preceding sentences which are not obligated

within six months following the end of the fiscal year for which they were allotted because of a lack of projects which have been approved by the State water pollution control agency under subsection (b)(1) of this section and certified as entitled to priority under subsection (b)(4) of this section, shall be reallotted by the Secretary, on such basis as he determines to be reasonable and equitable and in accordance with regulations promulgated by him, to States having projects approved under this section for which grants have not been made because of lack of funds: *Provided, however,* That whenever a State has funds subject to reallocation and the Secretary finds that the need for a project in a community in such State is due in part to any Federal institution or Federal construction activity, he may, prior to such reallocation, make an additional grant with respect to such project which will in his judgment reflect an equitable contribution for the need caused by such Federal institution or activity. Any sum made available to a State by reallotment under the preceding sentence shall be in addition to any funds otherwise allotted to such State under this Act. The allotments of a State under the second, third, and fourth sentences of this subsection shall be available, in accordance with the provisions of this section, for payments with respect to projects in such State which have been approved under this section, except that in the case of any project on which construction was initiated in such State after June 30, 1966, which was approved by the appropriate State water pollution control agency and which the Secretary finds meets the requirements of this section but was constructed without such assistance, such allotments for any fiscal year ending prior to July 1, 1971, shall also be available for payments in reimbursement of State or local funds used for such project prior to July 1, 1971, to the extent that assistance could have been provided under this section if such project had been approved pursuant to this section and adequate funds had been available. In the case of any project on which construction was initiated in such State after June 30, 1966, and which was constructed with assistance pursuant to this section but the amount of such assistance was a lesser per centum of the cost of construction than was allowable pursuant to this section, such allotments shall also be available for payments in reimbursement of State or local funds used for such project prior to July 1, 1971, to the extent that assistance could have been provided under this section if adequate funds had been available. Neither a finding by the Secretary that a project meets the requirements of this subsection, nor any other provision of this subsection, shall be construed to constitute a commitment or obligation of the United States to provide funds to make or pay any grant for such project. For purposes of this section, population shall be determined on the basis of the latest decennial census for which figures are available, as certified by the Secretary of Commerce, and per capita income for each State and for the United States shall be determined on the basis of the average of the per capita incomes of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce.

(d) There are hereby authorized to be appropriated for each fiscal year through and including the fiscal year ending June 30, 1961, the

sum of $50,000,000 per fiscal year for the purpose of making grants under this section. There are hereby authorized to be appropriated, for the purpose of making grants under this section, $80,000,000 for the fiscal year ending June 30, 1962, $90,000,000 for the fiscal year ending June 30, 1963, $100,000,000 for the fiscal year ending June 30, 1964, $100,000,000 for the fiscal year ending June 30, 1965, $150,000,000 for the fiscal year ending June 30, 1966, $150,000,000 for the fiscal year ending June 30, 1967; $450,000,000 for the fiscal year ending June 30, 1968; $700,000,000 for the fiscal year ending June 30, 1969; $1,000,000,000 for the fiscal year ending June 30, 1970; and $1,250,000,000 for the fiscal year ending June 30, 1971. Sums so appropriated shall remain available until expended. At least 50 per centum of the funds so appropriated for each fiscal year ending on or before June 30, 1965, and at least 50 per centum of the first $100,000,000 so appropriated for each fiscal year beginning on or after July 1, 1965, shall be used for grants for the construction of treatment works servicing municipalities of one hundred and twenty-five thousand population or under.

(e) The Secretary shall make payments under this section through the disbursing facilities of the Department of the Treasury. Funds so paid shall be used exclusively to meet the cost of construction of the project for which the amount was paid. As used in this section the term "construction" includes preliminary planning to determine the economic and engineering feasibility of treatment works, the engineering, architectural, legal, fiscal, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action necessary to the construction of treatment works; and the erection, building, acquisition, alteration, remodeling, improvement, or extension of treatment works; and the inspection and supervision of the construction of treatment works.

(f) Notwithstanding any other provisions of this section, the Secretary may increase the amount of a grant made under subsection (b) of this section by an additional 10 per centum of the amount of such grant for any project which has been certified to him by an official State, metropolitan, or regional planning agency empowered under State or local laws or interstate compact to perform metropolitan or regional planning for a metropolitan area within which the assistance is to be used, or other agency or instrumentality designated for such purposes by the Governor (or Governors in the case of interstate planning) as being in conformity with the comprehensive plan developed or in process of development for such metropolitan area. For the purposes of this subsection, the term "metropolitan area" means either (1) a standard metropolitan statistical area as defined by the Bureau of the Budget, except as may be determined by the President as not being appropriate for the purposes hereof, or (2) any urban area, including those surrounding areas that form an economic and socially related region, taking into consideration such factors as present and future population trends and patterns of urban growth location of transportation facilities and systems, and distribution of industrial, commercial, residential, governmental, institutional, and other activities, which in the opinion of the President lends itself as being appropriate for the purposes hereof.

(g) The Secretary shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on projects for which grants are made under this

section shall be paid wages at rates not less than those prevailing for the same type of work on similar construction in the immediate locality, as determined by the Secretary of Labor, in accordance with the Act of March 3, 1931, as amended, known as the Davis-Bacon Act (46 Stat. 1494; 40 U.S.C., secs. 276a through 276a–5). The Secretary of Labor shall have, with respect to the labor standards specified in this subsection, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 133z–15) and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276c).

WATER POLLUTION CONTROL ADVISORY BOARD

SEC. 9. (a)(1) There is hereby established in the Department of Health, Education, and Welfare, a Water Pollution Control Advisory Board, composed of the Secretary or his designee, who shall be chairman, and nine members appointed by the President, none of whom shall be Federal officers or employees. The appointed members, having due regard for the purposes of this Act, shall be selected from among representatives of various State, interstate and local governmental agencies, of public or private interests contributing to, affected by, or concerned with water pollution, and of other public and private agencies, organizations, or groups demonstrating an active interest in the field of water pollution prevention and control, as well as other individuals who are expert in this field.

(2)(A) Each member appointed by the President shall hold office for a term of three years, except that (i) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (ii) the terms of office of the members first taking office after June 30, 1956, shall expire as follows: three at the end of one year after such date, three at the end of two years after such date, and three at the end of three years after such date, as designated by the President at the time of appointment, and (iii) the term of any member under the preceding provisions shall be extended until the date on which his successor's appointment is effective. None of the members appointed by the President shall be eligible for reappointment within one year after the end of his preceding term but terms commencing prior to the enactment of the Water Pollution Control Act Amendments of 1956 shall not be deemed "preceding terms" for purposes of this sentence.

(B) The members of the Board who are not officers or employees of the United States, while attending conferences or meetings of the Board or while otherwise serving at the request of the Secretary, shall be entitled to receive compensation at a rate to be fixed by the Secretary, but not exceeding $50 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

(b) The Board shall advise, consult with, and make recommendations to the Secretary on matters of policy relating to the activities and functions of the Secretary under this Act.

(c) Such clerical and technical assistance as may be necessary to discharge the duties of the Board shall be provided from the personnel of the Department of Health, Education, and Welfare.

ENFORCEMENT MEASURES AGAINST POLLUTION OF INTERSTATE OR NAVIGABLE WATERS

SEC. 10. (a) The pollution of interstate or navigable waters in or adjacent to any State or States (whether the matter causing or contributing to such pollution is discharged directly into such waters or reaches such waters after discharge into a tributary of such waters), which endangers the health or welfare of any persons, shall be subject to abatement as provided in this Act.

(b) Consistent with the policy declaration of this Act, State and interstate action to abate pollution of interstate or navigable waters shall be encouraged and shall not, except as otherwise provided by or pursuant to court order under subsection (h), be displaced by Federal enforcement action.

(c)(1) If the Governor of a State or a State water pollution control agency files, within one year after the date of enactment of this subsection, a letter of intent that such State, after public hearings, will before June 30, 1967, adopt (A) water quality criteria applicable to interstate waters or portions thereof within such State, and (B) a plan for the implementation and enforcement of the water quality criteria adopted, and if such criteria and plan are established in accordance with the letter of intent, and if the Secretary determines that such State criteria and plan are consistent with paragraph (3) of this subsection, such State criteria and plan shall thereafter be the water quality standards applicable to such interstate waters or portions thereof.

(2) If a State does not (A) file a letter of intent or (B) establish water quality standards in accordance with paragraphs (1) of this subsection, or of the Secretary or the Governor of any State affected by water quality standards established pursuant to this subsection desires a revision in such standards, the Secretary may, after reasonable notice and a conference of representatives of appropriate Federal departments and agencies, interstate agencies, States, municipalities and industries involved, prepare regulations setting forth standards of water quality to be applicable to interstate waters or portions thereof. If, within six months from the date the Secretary publishes such regulations, the State has not adopted water quality standards found by the Secretary to be consistent with paragraph (3) of this subsection, or a petition for public hearing has not been filed under paragraph (4) of this subsection, the Secretary shall promulgate such standards.

(3) Standards of quality established pursuant to this subsection shall be such as to protect the public health or welfare, enhance the quality of water and serve the purposes of this Act. In establishing such standards the Secretary, the Hearing Board, or the appropriate State authority shall take into consideration their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses.

(4) If at any time prior to 30 days after standards have been promulgated under paragraph (2) of this subsection, the Governor of any State affected by such standards petitions the Secretary for a hearing,

the Secretary shall call a public hearing, to be held in or near one or more of the places where the water quality standards will take effect before a Hearing Board of five or more persons appointed by the Secretary. Each State which would be affected by such standards shall be given an opportunity to select one member of the Hearing Board. The Department of Commerce and other affected Federal departments and agencies shall each be given an opportunity to select a member of the Hearing Board and not less than a majority of the Hearing Board shall be persons other than officers or employees of the Department of Health, Education, and Welfare. The members of the Board who are not officers or employees of the United States, while participating in the hearing conducted by such Hearing Board or otherwise engaged on the work of such Hearing Board, shall be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding $100 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law, (5 U.S.C. 73b–2) for persons in the Government service employed intermittently. Notice of such hearing shall be published in the Federal Register and given to the State water pollution control agencies, interstate agencies and municipalities involved at least 30 days prior to the date of such hearing. On the basis of the evidence presented at such hearing, the Hearing Board shall make findings as so whether the standards published or promulgated by the Secretary should be approved or modified and transmit its findings to the Secretary. If the Hearing Board approves the standards as published or promulgated by the Secretary, the standards shall take effect on receipt by the Secretary of the Hearing Board's recommendations. If the Hearing Board recommends modifications in the standards as published or promulgated by the Secretary, the Secretary shall promulgate revised regulations setting forth standards of water quality in accordance with the Hearing Board's recommendations which will become effective immediately upon promulgation.

(5) The discharge of matter into such interstate waters or portions thereof, which reduces the quality of such waters below the water quality standards established under this subsection (whether the matter causing or contributing to such reduction is discharged directly into such waters or reaches such waters after discharge into tributaries of such waters), is subject to abatement in accordance with the provisions of paragraph (1) or (2) of subsection (g) of this section, except that at least 180 days before any abatement action is initiated under either paragraph (1) or (2) of subsection (g) as authorized by this subsection, the Secretary shall notify the violators and other interested parties of the violation of such standards. In any suit brought under the provisions of this subsection the court shall receive in evidence a transcript of the proceedings of the conference and hearing provided for in this subsection, together with the recommendations of the conference and Hearing Board and the recommendations and standards promulgated by the Secretary, and such additional evidence, including that relating to the alleged violation of the standards, as it deems necessary to a complete review of the standards and to a determination of all other issues relating to the alleged violation. The court, giving due consideration to the practicability and to the physical and economic feasibility of complying with such

standards, shall have jurisdiction to enter such judgment and orders enforcing such judgment as the public interest and the equities of the case may require.

(6) Nothing in this subsection shall (A) prevent the application of this section to any case to which subsection (a) of this section would otherwise be applicable, or (B) extend Federal jurisdiction over water not otherwise authorized by this Act.

(7) In connection with any hearings under this section no witness or any other person shall be required to divulge trade secrets or secret processes.

(d)(1) Whenever requested by the Governor of any State or a State water pollution control agency, or (with the concurrence of the Governor and of the State water pollution control agency for the State in which the municipality is situated) the governing body of any municipality, the Secretary shall, if such request refers to pollution of waters which is endangering the health or welfare of persons in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originates, give formal notification thereof to the water pollution control agency and interstate agency, if any, of the State or States where such discharge or discharges originate and shall call promptly a conference of such agency or agencies and of the State water pollution control agency and interstate agency, if any, of the State or States, if any, which may be adversely affected by such pollution. Whenever requested by the Governor of any State, the Secretary shall, if such request refers to pollution of interstate or navigable waters which is endangering the health or welfare of persons only in the requesting State in which the discharge or discharges (causing or contributing to such pollution) originate, give formal notification thereof to the water pollution control agency and interstate agency, if any, of such State and shall promptly call a conference of such agency or agencies, unless, in the judgment of the Secretary, the effect of such pollution on the legitimate uses of the waters is not of sufficient significance to warrant exercise of Federal jurisdiction under this section. The Secretary shall also call such a conference whenever, on the basis of reports, surveys, or studies, he has reason to believe that any pollution referred to in subsection (a) and endangering the health or welfare of persons in a State other than that in which the discharge or discharges originate is occurring; or he finds that substantial economic injury results from the inability to market shellfish or shellfish products in interstate commerce because of pollution referred to in subsection (a) and action of Federal, State, or local authorities.

(2) Whenever the Secretary, upon receipt of reports, surveys, or studies from any duly constituted international agency, has reason to believe that any pollution referred to in subsection (a) of this section which endangers the health or welfare of persons in a foreign country is occurring, and the Secretary of State requests him to abate such pollution, he shall give formal notification thereof to the State water pollution control agency of the State in which such discharge or discharges originate and to the interstate water pollution control agency, if any, and shall call promptly a conference of such agency or agencies, if he believes that such pollution is occurring in sufficient quantity to warrant such action. The Secretary, through the Secretary of State, shall invite the foreign country which may be adversely affected by the pollution to attend and participate in the conference, and the repre-

sentative of such country shall, for the purpose of the conference and any further proceeding resulting from such conference, have all the rights of a State water pollution control agency. This paragraph shall apply only to a foreign country which the Secretary determines has given the United States essentially the same rights with respect to the prevention and control of water pollution occurring in that country as is given that country by this paragraph. Nothing in this paragraph shall be construed to modify, amend, repeal, or otherwise affect the provisions of the 1909 Boundary Waters Treaty between Canada and the United States or the Water Utilization Treaty of 1944 between Mexico and the United States (59 Stat. 1219), relative to the control and abatement of water pollution in waters covered by those treaties.

(3) The agencies called to attend such conference may bring such persons as they desire to the conference. In addition, it shall be the responsibility of the chairman of the conference to give every person contributing to the alleged pollution or affected by it an opportunity to make a full statement of his views to the conference. Not less than three weeks' prior notice of the conference date shall be given to such agencies.

(4) Following this conference, the Secretary shall prepare and forward to all the water pollution control agencies attending the conference a summary of conference discussions including (A) occurrence of pollution of interstate or navigable waters subject to abatement under this Act; (B) adequacy of measures taken toward abatement of the pollution; and (C) nature of delays, if any, being encountered in abating the pollution.

(e) If the Secretary believes, upon the conclusion of the conference or thereafter, that effective progress toward abatement of such pollution is not being made and that the health or welfare of any persons is being endangered, he shall recommend to the appropriate State water pollution control agency that it take necessary remedial action. The Secretary shall allow at least six months from the date he makes such recommendations for the taking of such recommended action.

(f)(1) If, at the conclusion of the period so allowed, such remedial action has not been taken or action which in the judgment of the Secretary is reasonably calculated to secure abatement of such pollution has not been taken, the Secretary shall call a public hearing, to be held in or near one or more of the places where the discharge or discharges causing or contributing to such pollution originated, before a Hearing Board of five or more persons appointed by the Secretary. Each State in which any discharge causing or contributing to such pollution originates and each State claiming to be adversely affected by such pollution shall be given an opportunity to select one member of the Hearing Board and at least one member shall be a representative of the Department of Commerce, and not less than a majority of the Hearing Board shall be persons other than officers or employees of the Department of Health, Education, and Welfare. At least three weeks' prior notice of such hearing shall be given to the State water pollution control agencies and interstate agencies, if any, called to attend the aforesaid hearing and the alleged polluter or polluters. It shall be the responsibility of the Hearing Board to give every person contributing to the alleged pollution or affected by it an opportunity to make a full statement of his views to the Hearing Board.

On the basis of the evidence presented at such hearing, the Hearing Board shall make findings as to whether pollution referred to in subsection (a) is occurring and whether effective progress toward abatement thereof is being made. If the Hearing Board finds such pollution is occurring and effective progress toward abatement thereof is not being made it shall make recommendations to the Secretary concerning the measures, if any, which it finds to be reasonable and equitable to secure abatement of such pollution. The Secretary shall send such findings and recommendations to the person or persons discharging any matter causing or contributing to such pollution, together with a notice specifying a reasonable time (not less than six months) to secure abatement of such pollution, and shall also send such findings and recommendations and such notice to the State water pollution control agency and to the interstate agency, if any, of the State or States where such discharge or discharges originate.

(2) In connection with any hearing called under this section the Secretary is authorized to require any person whose alleged activities result in discharges causing or contributing to water pollution to file with him, in such form as he may prescribe, a report based on existing data, furnishing such information as may reasonably be required as to the character, kind, and quantity of such discharges and the use of facilities or other means to prevent or reduce such discharges by the person filing such a report. Such report shall be made under oath or otherwise, as the Secretary may prescribe, and shall be filed with the Secretary within such reasonable period as the Secretary may prescribe, unless additional time be granted by the Secretary. No person shall be required in such report to divulge trade secrets or secret processes, and all information reported shall be considered confidential for the purposes of section 1905 of title 18 of the United States Code.

(3) If any person required to file any report under paragraph (2) of this subsection shall fail to do so within the time fixed by the Secretary for filing the same, and such failure shall continue for thirty days after notice of such default, such person shall forefeit to the United States the sum of $100 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States brought in the district where such person has his principal office or in any district in which he does business. The Secretary may upon application therefor remit or mitigate any forfeiture provided for under this paragraph and he shall have authority to determine the facts upon all such applications.

(4) It shall be the duty of the various United States attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of such forfeitures.

(g) If action reasonably calculated to secure abatement of the pollution within the time specified in the notice following the public hearing is not taken, the Secretary—

(1) in the case of pollution of waters which is endangering the health or welfare of persons in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originate, may request the Attorney General to bring a suit on behalf of the United States to secure abatement of pollution, and

(2) in the case of pollution of waters which is endangering the health or welfare of persons only in the State in which the discharge or discharges (causing or contributing to such pollution) originate, may, with the written consent of the Governor of such State, request the Attorney General to bring a suit on behalf of the United States to secure abatement of the pollution.

(h) The court shall receive in evidence in any such suit a transcript of the proceedings before the Board and a copy of the Board's recommendations and shall receive such further evidence as the court in its discretion deems proper. The court, giving due consideration to the practicability and to the physical and economic feasibility of securing abatement of any pollution proved, shall have jurisdiction to enter such judgment, and orders enforcing such judgment, as the public interest and the equities of the case may require.

(i) Members of any Hearing Board appointed pursuant to subsection (f) who are not regular full-time officers or employees of the United States shall, while participating in the hearing conducted by such Board or otherwise engaged on the work of such Board, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding $100 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

(j) As used in this section the term—

(1) "person" includes an individual, corporation, partnership, association, State, municipality, and political subdivision of a State, and

(2) "municipality" means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law.

(k)(1) At the request of a majority of the conferees in any conference called under this section the Secretary is authorized to request any person whose alleged activities result in discharges causing or contributing to water pollution, to file with him a report (in such form as may be prescribed in regulations promulgated by him) based on existing data, furnishing such information as may reasonably be requested as to the character, kind, and quantity of such discharges and the use of facilities or other means to prevent or reduce such discharges by the person filing such a report. No person shall be required in such report to divulge trade secrets or secret processes, and all information reported shall be considered confidential for the purposes of section 1905 of title 18 of the United States Code.

(2) If any person required to file any report under this subsection shall fail to do so within the time fixed by regulations for filing the same, and such failure shall continue for thirty days after notice of such default, such person may, by order of a majority of the conferees, be subject to a forfeiture of $100 for each and every day of the continuance of such failure which forfeiture shall be payable into the Treasury of the United States and shall be recoverable in a civil suit in the name of the United States brought in the district where such person has his principal office or in any district in which he does business. The Secretary may upon application therefor remit or mitigate any forfeiture

provided for under this subsection and he shall have authority to determine the facts upon all such applications.

(3) It shall be the duty of the various United States attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of such forfeitures.

[COOPERATION TO CONTROL POLLUTION FROM FEDERAL INSTALLATIONS

[SEC. 11. It is hereby declared to be the intent of the Congress that any Federal department or agency having jurisdiction over any building, installation, or other property shall, insofar as practicable and consistent with the interests of the United States and within any available appropriations, cooperate with the Department of Health, Education, and Welfare, and with any State or interstate agency or municipality having jurisdiction over waters into which any matter is discharged from such property, in preventing or controlling the pollution of such waters. In his summary of any conference pursuant to section 10(d)(3) of this Act, the Secretary shall include references to any discharges allegedly contributing to pollution from any Federal property. Notice of any hearing pursuant to section 10(f) involving any pollution alleged to be effected by any such discharges shall also be given to the Federal agency having jurisdiction over the property involved and the findings and recommendations of the Hearing Board conducting such hearing shall also include references to any such discharges which are contributing to the pollution found by such Hearing Board.]

COOPERATION BY ALL FEDERAL AGENCIES IN THE CONTROL OF POLLUTION

SEC. 11. (a) Each Federal agency having jurisdiction over any real property or facility of any kind shall, within available appropriations and consistent with the interests of the United States, insure compliance with applicable water quality standards and the purposes of this Act in the administration of such property or facility. In his summary of any conference pursuant to section 10(d)(4) of this Act, the Secretary shall include references to any discharges allegedly contributing to pollution from any such Federal property or facility, and shall transmit a copy of such summary to the head of the Federal agency having jurisdiction of such property or facility. Notice of any hearing pursuant to section 10(f) of this Act involving any pollution alleged to be effected by any such discharges shall also be given to the Federal agency having jurisdiction over the property or facility involved, and the findings and recommendations of the hearing board conducting such hearing shall include references to any such discharges which are contributing to the pollution found by such board.

(b) Any applicant for a Federal license or permit to conduct any activity which may result in discharges into the navigable waters of the United States shall provide the licensing or permitting agency with certification from each affected State or interstate water pollution control agency that there is reasonable assurance, as determined by the State or interstate agency, that such activity will be conducted in a manner which will not reduce the quality of such waters below applicable water quality

standards. In any case where such standards have been promulgated by the Secretary pursuant to section 10(c) of this Act, or where a State or interstate agency has no authority to give such a certification, such certification shall be from the Secretary. If an applicant for a Federal license or permit receives a certification under this subsection in connection with such application, then the Federal agency to whom such application is made, and any other Federal agency may accept such certification for the purposes of this subsection in connection with any other application made to it by such applicant for a license or permit, except that (1) if any affected State or the Secretary, if his certification is involved, after notice, which shall be given by such Federal agency, makes written objection, such certification may not be so accepted, and (2) this sentence shall not apply to any application for an operating license or permit. No license or permit shall be granted until such certification has been obtained. In any case where actual construction of a facility for the conduct of any activity has been lawfully commenced prior to the date of enactment of the Water Quality Improvement Act of 1969, no certification shall be required under this subsection for a license or permit issued after the date of enactment of the Water Quality Improvement Act of 1969 to conduct such activity, except that any such license or permit issued without certification shall terminate at the end of the two-year period beginning on the date of enactment of the Water Quality Improvement Act of 1969 unless prior to such termination date the person having such license or permit submits to the Federal agency which issued such license or permit a certification which otherwise meets the requirements of this subsection. Such license or permit may be suspended if a court of competent jurisdiction finds that such licensee or permittee is not in compliance with applicable water quality standards. Nothing in this section shall be construed to limit any other authority pursuant to this Act or any other provision of State or Federal law to require compliance with applicable water quality standards. No Federal agency shall be deemed to be an applicant for the purposes of this subsection. The Secretary shall, upon the request of any State or Federal department or agency, provide any technical assistance to such department or agency for the purpose of carrying out this section.

ADMINISTRATION

SEC. 12. (a) The Secretary is authorized to prescribe such regulations as are necessary to carry out his functions under this Act.

(b) The Secretary, with the consent of the head of any other agency of the United States, may utilize such officers and employees of such agency as may be found necessary to assist in carrying out the purposes of this Act.

(c) There are hereby authorized to be appropriated to the Department of Health, Education, and Welfare such sums as may be necessary to enable it to carry out its functions under this Act.

(d) Each recipient of assistance under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(e) The Secretary of Health, Education, and Welfare and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this Act.

DEFINITIONS

SEC. 13. When used in this Act:

(a) The term "State water pollution control agency" means the State health authority, except that, in the case of any State in which there is a single State agency, other than the State health authority, charged with responsibility for enforcing State laws relating to the abatement of water pollution, it means such other State agency.

(b) The term "interstate agency" means an agency of two or more States established by or pursuant to an agreement or compact approved by the Congress, or any other agency of two or more States, having substantial powers or duties pertaining to the control of pollution of waters.

(c) The term "treatment works" means the various devices used in the treatment of sewage or industrial wastes of a liquid nature, including the necessary intercepting sewers, outfall sewers, pumping, power, and other equipment, and their appurtenances, and includes any extensions, improvements, remodeling, additions, and alterations thereof.

(d) The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

(e) The term "interstate waters" means all rivers, lakes, and other waters that flow across or form a part of State boundaries, including coastal waters.

(f) The term "municipality" means a city, town, borough county, parish, district, or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, and an Indian tribe or an authorized Indian tribal organization.

OTHER AUTHORITY NOT AFFECTED

SEC. 14. This Act shall not be construed as (1) superseding or limiting the functions, under any other law, of the Surgeon General or of the Public Health Service, or of any other officer or agency of the United States, relating to water pollution, or (2) affecting or impairing the provisions of [the Oil Pollution Act, 1924, or] sections 13 through 17 of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors and for other purposes", approved March 3, 1899, as amended, or (3) affecting or impairing the provisions of any treaty of the United States.

SEPARABILITY

SEC. 15. If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

SEC. 16. (a) In order to provide the basis for evaluating programs authorized by this Act, the development of new programs, and to fur-

nish the Congress with the information necessary for authorization of appropriations for fiscal years beginning after June 30, 1968, the Secretary, in cooperation with State water pollution control agencies and other water pollution control planning agencies, shall make a detailed estimate of the cost of carrying out the provisions of this Act; a comprehensive study of the economic impact on affected units of government of the cost of installation of treatment facilities; and a comprehensive analysis of the national requirements for and the cost of treating municipal, industrial, and other effluent to attain such water quality standards as established pursuant to this Act or applicable State law. The Secretary shall submit such detailed estimate and such comprehensive study of such cost for the five-year period beginning July 1, 1968, to the Congress no later than January 10, 1968, such study to be updated each year thereafter.

(b) The Secretary shall also make a complete investigation and study to determine (1) the need for additional trained State and local personnel to carry out programs assisted pursuant to this Act and other programs for the same purpose as this Act, and (2) means of using existing Federal training programs to train such personnel. He shall report the results of such investigation and study to the President and the Congress not later than July 1, 1967.

[SEC. 17. The Secretary of the Interior shall, in consultation with the Secretary of the Army, the Secretary of the department in which the Coast Guard is operating, the Secretary of Health, Education, and Welfare, and the Secretary of Commerce, conduct a full and complete investigation and study of the extent of the pollution of all navigable waters of the United States from litter and sewage discharged, dumped, or otherwise deposited into such waters from watercraft using such waters, and methods of abating either in whole or in part such pollution. The Secretary shall submit a report of such investigation to Congress, together with his recommendations for any necessary legislation, not later than July 1, 1967.

[SEC. 18. The Secretary of the Interior shall conduct a full and complete investigation and study of methods for providing incentives designed to assist in the construction of facilities and works by industry designed to reduce or abate water pollution. Such study shall include, but not be limited to, the possible use of tax incentives as well as other methods of financial assistance. In carrying out this study the Secretary shall consult with the Secretary of the Treasury as well as the head of any other appropriate department or agency of the Federal Government. The Secretary shall report the results of such investigation and study, together with his recommendations, to the Congress not later than January 30, 1968.]

CONTROL OF POLLUTION BY OIL AND OTHER MATTER

SEC. 17. (a) For the purpose of this section, the term—

(1) "oil" means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, and oil refuse, but does not include oil mixed with dredged spoil;

(2) "matter" means any substance of any description or origin, other than oil, dredged spoil, and human body wastes and the wastes from toilets and other receptacles intended to receive or retain human body wastes, which, when discharged into the navigable waters of the

United States or the waters of the contiguous zone in substantial quantities, presents, in the judgment of the Secretary, an imminent and substantial hazard to public health or welfare, including fish, shellfish, and wildlife, and shorelines and beaches, but such term does not include byproduct material, source material, and special nuclear material as defined in the Atomic Energy Act of 1954 (42 U.S.C. 2013).

(3) "discharge" means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping;

(4) "remove or removal" refers to the taking of reasonable and appropriate measures to mitigate the potential damage of the discharge of oil or matter to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, shorelines, and beaches.

(5) "vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water;

(6) "public vessel" means a vessel owned or bareboat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation or political subdivision thereof, except where such vessel is engaged in commercial activities;

(7) "United States" means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

(8) "owner or operator" means any person owning, operating, or chartering by demise, a vessel;

(9) "person" includes an individual, firm, corporation, association, or a partnership, except individuals on board public vessels; and

(10) "contiguous zone" means the entire zone established or to be established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone.

(b) Any individual in charge of a vessel (other than a public vessel) or of an onshore or offshore facility of any kind (other than one owned or operated by the United States, a State, or any political subdivision of a State) at the time of any discharge of oil or matter from such vessel or facility in substantial quantities into or upon the navigable waters of the United States or adjoining shorelines or beaches, or into or upon the waters of the contiguous zone, shall, as soon as he has knowledge of such discharge, immediately notify either the Secretary, or the Secretary of the department in which the Coast Guard is operating of such discharge. Any such individual who fails to notify immediately such delegate of any such discharge of oil or matter into or upon such waters, shorelines, or beaches, shall upon conviction, be fined not more than $5,000, or imprisoned for not more than one year, or both.

(c)(1) Except in case of an emergency imperiling life, or an act of war or sabotage, or an unavoidable accident, collision, or stranding, or an act of God, or except as otherwise permitted by regulations issued by the Secretary under this section, or except where otherwise not prohibited in the contiguous zone under the provisions of article IV of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended, any owner or operator who, either directly or through any person concerned in the operation, navigation, or management of the vessel, discharges or permits the discharge of oil or matter from a vessel in substantial quantities into or upon the navigable waters of the United

States or adjoining shorelines and beaches of the United States, or into or upon the waters of the contiguous zone if such oil or matter threatens to pollute or contribute to the pollution of the territory or the territorial sea of the United States, shall be subject to the penalties provided in this subsection.

(2) Any owner or operator who, or any vessel (other than a public vessel) which, willfully or negligently, discharges oil or matter in substantial quantities in violation of paragraph (1) of this subsection shall be assessed a civil penalty by the Secretary of the department in which the Coast Guard is operating of not more than $10,000 for each offense. No penalty shall be assessed unless the owner, operator, or vessel charged shall have been given notice and opportunity for a hearing on such charge. Each violation is a separate offense. Any such civil penalty may be compromised by such Secretary. In determining the amount of the penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the owner or operator of the vessel charged, the effect on the owner or operator's ability to continue in business, and the gravity of the violation, shall be considered by such Secretary. The district director of customs at the port or place of departure from the United States shall withhold at the request of such Secretary the clearance required by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C. 91), of any vessel subject to the foregoing penalty. Clearance may be granted in such cases upon the filing of a bond or other surety satisfactory to such Secretary. Such penalty shall constitute a maritime lien on such vessel which may be recovered by action in rem in the district court of the United States for any district within which such vessel may be found.

(d)(1) Whenever any oil or matter is discharged into or upon any waters, shorelines, or beaches, the United States shall remove or arrange for the removal thereof, in accordance with the regulations prescribed under subsection (g) of this section, when, in the judgment of the Secretary, such oil or matter presents an actual or threatened pollution hazard to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife, or to public or private shorelines and beaches in the United States, unless other adequate arrangements for removal of such oil or matter have been made as required by subsections (e)(1), (f)(1) or (f)(2) of this section.

(2) Whenever a marine disaster in or upon the navigable waters of the United States has created a substantial threat of a pollution hazard to the public health or welfare of the United States, including but not limited to, fish, shellfish, and wildlife and the public and private shorelines and beaches of the United States, because of a discharge, or an imminent discharge, of large quantities of oil or matter from a vessel the United States may (A) coordinate and direct all public and private efforts directed at the removal or elimination of such threat; and (B) summarily remove, and, if necessary, destroy such vessel by whatever means are available without regard to any provision of law governing the employment of personnel or the expenditure of appropriated funds. The expense of removing any such vessel, the negligent operation of which caused or contributed to the marine disaster, shall be a charge against such vessel and its cargo and the owner or operator of such vessel. If the owner or operator thereof fails to reimburse the United States for such expense within 30 days after notification thereof, the United States may sell the vessel or cargo or any part that may not have been destroyed in

removal, and the proceeds of such sale shall be deposited in the fund established in subsection (h) of this section.

(e)(1) The owner or operator of any vessel who, either directly or through any person concerned in the operation, navigation, or management of the vessel, willfully or negligently discharges or permits or causes or contributes to the discharge of oil or matter into or upon the navigable waters of the United States or adjoining shorelines or beaches, or into or upon the waters of the contiguous zone if the Secretary of the department in which the Coast Guard is operating finds that such oil or matter threatens to pollute or contribute to the pollution of the territory or the territorial sea of the United States shall immediately remove such oil or matter from such waters, shorelines, and beaches in accordance with regulations prescribed under subsection (g) of this section. If the United States removes oil or matter which was willfully or negligently discharged by such owner or operator, the vessel and such owner or operator shall be liable to the United States for the full amount of the costs reasonably incurred under this subsection for the removal of the oil or matter, except that, notwithstanding any other provision of law, with respect to each offending vessel and the owner or operator thereof the aggregate liability for the cost of removal shall not exceed $10,000,000 or $100 per gross registered ton of such offending vessel, whichever is the lesser amount, in the case of such a willful or negligent discharge. The district director of customs at the port or place of departure from the United States shall withhold at the request of the Secretary the clearance required by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C. 91), of a vessel, other than a public vessel, liable for such costs until such costs are paid or until a bond or other surety satisfactory to the Secretary is posted. Such costs shall constitute a maritime lien on such vessel which may be recovered in an action in rem in the district court of the United States for any district within which such vessel may be found. The United States may bring action against the owner or operator in any court of competent jurisdiction to recover such costs. The United States shall also have a cause of action under this paragraph against any owner or operator of a vessel whose willful act or negligence is found to have caused or contributed to the discharge of oil or matter from a vessel involved in a collision or other casualty.

(2) In any action instituted by the United States under this subsection, subsection (c), or subsection (f) of this section, evidence of a discharge of oil or matter shall constitute a prima facie case of liability to the United States on the part of the owner or operator of the vessel or the person owning or operating the facility, as the case may be, and the burden of rebutting such prima facie case shall be upon such owner or operator or person, as the case may be. The burden of rebutting the prima facie case of liability which the United States shall have against a vessel or the owner or operator thereof, or against a person who owns or operates an onshore or offshore facility, from which the oil or matter is discharged shall in no way affect any rights which such owner or operator or person may have against any other vessel or facility or owner or operator or other persons whose willful act or negligence may in any way have caused or contributed to such discharge.

(f)(1) Any person who owns or operates an onshore facility of any kind (other than a facility owned or operated by the United States, a State, or a political subdivision of a State) who, either directly or through any other person concerned in the operation or management of such facility, willfully

or negligently discharges or permits the discharge of oil or matter into or upon the navigable waters of the United States or adjoining shorelines or beaches, or into or upon the waters of the contiguous zone, or into or upon the waters beyond such zone, shall immediately remove such oil or matter from such waters, shorelines, and beaches in accordance with regulations prescribed under subsection (g) of this section.

(2) Any person who owns or operates any offshore facility of any kind (other than a facility owned or operated by the United States, a State, or a political subdivision of a State) which facility is located offshore but within the seaward boundary (within the meaning of the Submerged Lands Act (43 U.S.C. 1301 et sec.)) of a State, who, either directly or through any other person concerned in the operation or management of such facility, willfully or negligently discharges or permits the discharge of oil or matter into or upon the navigable waters of the United States or adjoining shorelines or beaches, or into or upon the waters of the contiguous zone, or into or upon the waters beyond such zone, shall immediately remove such oil or matter from such waters, shorelines, and beaches in accordance with regulations prescribed under subsection (g) of this section.

(3) If the United States removes any oil or matter required by paragraphs (1) and (2) of this subsection to be removed by any other person, such person shall be liable to the United States for the full amount of the costs reasonably incurred for the removal of such oil or matter except (A) that the aggregate liability for the costs of a removal shall not exceed $8,000,000, and (B) that the Secretary shall, by regulation, after consultation with the Secretary of Commerce and the Small Business Administration, establish reasonable and equitable classifications of onshore facilities and activities and apply with respect to such classifications differing limits of liability which may be less than the amount contained in this paragraph. This paragraph shall not apply to any onshore facility until it shall come within a classification established by the Secretary under the preceding sentence, but no such classification shall be established without at least sixty days notification to Congress of such intended classification. The United States may bring action against any such person in any court of competent jurisdiction to recover such costs.

(4) Nothing in this subsection shall be construed as preempting any State or political subdivision thereof from imposing any requirement or liability with respect to the discharge of oil or matter into any waters within such State.

(g)(1) Within sixty days after the effective date of this section and from time to time thereafter—

(A) the Secretary shall issue regulations, in consultation with the Secretary of the department in which the Coast Guard is operating and consistent with maritime safety and with marine and navigation laws, establishing environmental quality criteria relating to the methods and procedures for removal of discharged oil and matter;

(B) the Secretary of the department in which the Coast Guard is operating shall issue regulations, in consultation with the Secretary, establishing procedures, methods, and equipment (i) to prevent discharges of oil from vessels, and (ii) consistent with regulations of the Secretary, to remove discharged oil or matter.

(2) Any owner or operator required under subsection (e), and any person required under subsection (f), to remove any oil or matter from any waters, shorelines, or beaches in accordance with regulations pre-

scribed under this subsection who violates any such regulation shall be liable to a civil penalty of not more than $5,000 for each such violation. Each violation shall be a separate offense. The Secretary of the department in which the Coast Guard is operating may assess and compromise such penalty. No penalty shall be assessed until the owner, operator, or person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the owner, operator, or person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by such Secretary.

(h)(1) There is hereby authorized to be appropriated to a revolving fund to be established in the Treasury not to exceed $20,000,000 to carry out the provisions of subsection (d) of this section. Any other funds received by the United States under this section shall also be deposited in said fund for such purposes, except that such funds shall be available to reimburse a State or political subdivision thereof that assists in the removal of any discharged oil or matter. All sums appropriated to, or deposited in, said fund shall remain available until expended.

(2) For the purpose of insuring the efficient and economic removal of oil or matter under subsection (d) of this section, the President shall within ninety days after the effective date of this subsection delegate to the Secretary of the department in which the Coast Guard is operating, to the Secretary, to the Secretary of Defense, and to other appropriate Federal agencies, all or part of the responsibility under subsection (d) of this section for removing discharged oil or other matter, in accordance with a national contingency plan or revision thereof, approved by the President. The Secretary of the department in which the Coast Guard is operating is authorized to make available to such Federal agencies from the fund established by paragraph (1) of this subsection such sums as may be necessary to effectuate such removal. Eash such agency, in order to avoid duplication of effort, shall, whenever practicable, utilize the personnel, services, and facilities of other Federal and State agencies.

(3) The Secretary, in consultation with the Secretary of the department in which the Coast Guard is operating and consistent with maritime safety and with marine and navigation laws and regulations, may issue regulations authorizing the discharge of oil or matter from a vessel in quantities, under conditions, and at times and locations deemed appropriate by him, after taking into consideration various factors such as the effect of such discharge on applicable water quality standards, recreation, and fish and wildlife.

(4) The provisions of subsection (c) of this section and the regulations issued under subsection (g) of this section shall be enforced by the Secretary of the department in which the Coast Guard is operating. The Secretary of the department in which the Coast Guard is operating may utilize by agreement, with or withour reimbursement, the personnel, services, and facilities of any other Federal agency or State agency in carrying out these provisions and regulations.

(5) Anyone authorized by the Secretary of the department in which the Coast Guard is operating to enforce the provisions of this section may, except as to public vessels, (A) board and inspect any vessel upon the navigable waters of the United States or the waters of the contiguous zone, (B) with or without a warrant arrest any person who violates the provisions of this section or any regulation issued thereunder in his presence or view,

and (C) execute any warrant or other process issued by an officer or court of competent jurisdiction.

(6) In the case of Guam, actions arising under this section may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Somoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions.

(i) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel or onshore facility or offshore facility under any provision of law for damages to any publicly or privately owned property from a discharge of oil or matter or from the removal of any oil or matter.

(j) Nothing in this section shall be construed as authorizing the Secretary or the Secretary of the department in which the Coast Guard is operating to regulate the operations or construction of any onshore or offshore facility, or as affecting or modifying any other existing authority of either Secretary relative to such facilities under this Act or any other provision of law.

(k) (1) Any vessel over one hundred gross registered tons, including any barge of equivalent size, using any port or place in the United States or the navigable waters of the United States for any purpose shall establish and maintain under regulations to be prescribed from time to time by the appropriate delegate of the President, evidence of financial responsibility to meet the maximum potential liability to the United States which such vessel could be subjected under this section for willful or negligent discharges of oil or matter. In cases where an owner or operator owns, operates, or charters more than one such vessel, financial responsibility need only be established to meet the maximum liability to which the largest of such vessels could be subjected. Financial responsibility may be established by any one of, or a combination of, the following methods acceptable to the delegate of the President: (A) policies of insurance, (B) surety bonds, (C) qualification as a self-insurer, or (D) other evidence of financial responsibility. Any bond filed shall be issued by a bonding company authorized to do business in the United States.

(2) The provisions of paragraph (1) of this subsection shall be effective one year after the effective date of this section. The President shall delegate the responsibility to carry out the provisions of this subsection to the appropriate agency head within sixty days after the effective date of this section. Regulations necessary to implement this subsection shall be issued within six months after the effective date of this section.

(3) The Secretary of Transportation, in consultation with the Secretaries of Interior, State, Commerce, and other interested Federal agencies, representatives of the merchant marine, oil companies, insurance companies, and other interested individuals and organizations, and taking into account the results of the application of paragraph (1) of this subsection, shall conduct a study of the need for and, to the extent determined necessary—

(A) other measures to provide financial responsibility and limitations of liability with respect to vessels using the navigable waters of the United States;

(B) measures to provide financial responsibility for all onshore and offshore facilities; and

(C) other measures for limitations of liability of such facilities; for the cost of removing discharged oil or matter and paying all damages resulting from the discharge of such oil or matter. The Secretary of Transportation shall submit a report, together with any legislative recommendations, to Congress and the President by January 1, 1971.

"CONTROL OF SEWAGE FROM VESSELS

"SEC. 18. (a) For the purpose of this section, the term—

(1) "new vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which is initiated after promulgation of standards and regulations under this section;

(2) "existing vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which is initiated before promulgation of standards and regulations under this section;

(3) "public vessel" means a vessel owned or bareboat chartered and operated by the United States, by a State or political subdivision thereof, or by a foreign nation or by a political subdivision thereof, except where such vessel is engaged in commercial activities;

(4) "United States" includes the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands;

(5) "marine sanitation device" means any equipment for installation on board a vessel which is designed to receive, retain, treat, or discharge sewage;

(6) "sewage" means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

(7) "manufacturer" means any person engaged in the manufacturing, assembling, or importation of marine sanitation devices or of vessels subject to standards and regulations promulgated under this section;

(8) "person" means an individual, partnership, firm, corporation, or association, but does not include an individual on board a public vessel;

(9) "discharge" means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(b) As soon as possible after the enactment of this section, the Secretary, after consultation with the Secretary of the department in which the Coast Guard is operating, and after giving appropriate consideration to the economic costs involved, and within the limits of available technology, shall promulgate Federal standards of performance for marine sanitation devices (hereinafter in this section referred to as "standards") which shall be designed to prevent the discharge of untreated or inadequately treated sewage into or upon the vanigable waters of the United States from new vessels and existing vessels, except vessels not equipped with installed toilet facilities. Such standards shall be consistent with maritime safety and the marine and navigation laws and regulations and shall be coordinated with the regulations issued under this subsection by the Secretary of the department in which the Coast Guard is operating. The Secretary of the department in which the Coast Guard is operating shall promulgate regulations,

which are consistent with standards promulgated under this subsection and with maritime safety and the marine and navigation laws and regulations, governing the design, construction, installation, and operation of any maritime sanitation device on board such vessels.

(c)(1) Initial standards and regulations under this section shall become effective for new vessels two years after promulgation; but not earlier than December 31, 1971, and for existing vessels five years after promulgation. Revisions of standards and regulations shall be effective upon promulgation, unless another effective date is specified except that no revision shall take effect before the effective date of the standard or regulation being revised.

(2) The Secretary and the Secretary of the department in which the Coast Guard is operating with regard to their respective regulatory authority established by this section, may distinguish among classes, types, and sizes of vessels as well as between new and existing vessels, and may waive applicability of standards and regulations as necessary or appropriate for such classes, types, and sizes of vessels, and, upon application, for individual vessels.

(d) The provisions of this section and the standards and regulations promulgated thereunder apply to vessels owned and operated by the United States unless the Secretary of Defense finds that compliance would not be in the interest of national security. With respect to vessels owned and operated by the Department of Defense, regulations under subsection (b) and certifications under subsection (g)(2) of this section shall be promulgated and issued by the Secretary of Defense and not by the Secretary of the department in which the Coast Guard is operating.

(e) Before the standards and regulations under this section are promulgated, the Secretary and the Secretary of the department in which the Coast Guard is operating shall consult with the Secretary of State; the Secretary of Health, Education, and Welfare; the Secretary of Defense; the Secretary of the Treasury; the Secretary of Commerce; other interested Federal agencies; and the States and industries interested; and otherwise comply with the requirements of section 553 of title 5 of the United States Code.

(f) After the effective date of the initial standards and regulations promulgated under this section, no State or political subdivision thereof shall adopt or enforce any statute or regulation of such State or political subdivision with respect to the design, manufacture, or installation of any marine sanitation device on any vessel subject to the provisions of this section, except that nothing in this section shall be construed to affect or modify the authority or jurisdiction of any State to prohibit discharges of sewage whether treated or not from a vessel within all or part of the intrastate waters of such State if discharges from all other sources are likewise prohibited.

(g)(1) No manufacturer of a marine sanitation device shall sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States for sale or resale any marine sanitation device manufactured after the effective date of the standards and regulations promulgated under this section unless such device is in all material respects substantially the same as a test device certified under this subsection.

(2) Upon application of the manufacturer, the Secretary of the department in which the Coast Guard is operating shall so certify a marine sanitation device if he determines, in accordance with the provisions of

this paragraph, that it meets the appropriate standards and regulations promulgated under this section. The Secretary of the department in which the Coast Guard is operating shall test or require such testing of the device in accordance with procedures set forth by the Secretary as to standards of performance and for such other purposes as may be appropriate if such results are in accordance with the appropriate performance standards promulgated under this section, and if the Secretary of the department in which the Coast Guard is operating determines that the device is satisfactory from the standpoint of safety and any other requirements of maritime law or regulation, and after consideration of the design, installation, operation, material, or other appropriate factors, he shall certify the device. Any device manufactured by such manufacturer which is in all material respects substantially the same as the certified test device shall be deemed to be in conformity with the appropriate standards and regulations established under this section.

(3) Every manufacturer shall establish and maintain such records, make such reports, and provide such information as the Secretary or the Secretary of the department in which the Coast Guard is operating may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this section and regulations issued thereunder and shall, upon request of an officer or employee duly designated by the Secretary or the Secretary of the department in which the Coast Guard is operating, permit such officer or empoyee at reasonable times to have access to and copy such records. All information reported to, or otherwise obtained by, the Secretary or the Secretary of the department in which the Coast Guard is operating or their representatives pursuant to this subsection which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this section. This paragraph shall not apply in the case of the construction of a vessel by an individual for his own use.

(h) After the effective date of standards and regulations promulgated under this section, it shall be unlawful—

(1) for the manufacturer of any vessel subject to such standards and regulations to manufacture for sale, to sell or offer for sale, or to distribute for sale or resale any such vessel unless it is equipped with a marine sanitation device which is in all material respects substantially the same as the appropriate test device certified pursuant to this section;

(2) for any person, prior to the sale or delivery of a vessel subject to such standards and regulations to the ultimate purchaser, wrongfully to remove or render inoperative any certified marine sanitation device or element of design of such device installed in such vessel;

(3) for any person to fail or refuse to permit access to or copying of records or to fail to make reports or provide information required under this section; and

(4) for a vessel subject to such standards and regulations to operate on the navigable waters of the United States, if such vessel is not equipped with an operable marine sanitation device certified pursuant to this section.

(i) The district courts of the United States shall have jurisdiction to restrain violations of subsection (h)(1) through (3) of this section. Actions to restrain such violations shall be brought by, and in, the name of the

United States. In case of contumacy or refusal to obey a subpena served upon any person under this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(j) Any person who violates clauses (1) or (2) of subsection (h) of this section shall be liable to a civil penalty of not more than $5,000 for each violation. Any person who violates clause (4) of subsection (h) of this section shall be liable to a civil penalty of not more than $2,000 for each violation. Each violation shall be a separate offense. The Secretary of the department in which the Coast Guard is operating may assess and compromise any such penalty. No penalty shall be assessed until the person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by said Secretary.

(k) The provisions of this section shall be enforced by the Secretary of the department in which the Coast Guard is operating and he may utilize by agreement with or without reimbursement law enforcement officers or other personnel and facilities of the Secretary, other Federal agencies, or the States to carry out the provisions of this section.

(l) Anyone authorized by the Secretary of the department in which the Coast Guard is operating to enforce the provisions of this section may, except as to public vessels, (1) board and inspect any vessel upon the navigable waters of the United States and (2) execute any warrant or other process issued by an officer or court of competent jurisdiction.

(m) In the case of Guam, actions arising under this section may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions.

AREA ACID AND OTHER MINE WATER POLLUTION CONTROL DEMONSTRATIONS

SEC. 19. (a) The Secretary, in cooperation with other Federal agencies is authorized to enter into agreements with any State or interstate agency to carry out one or more projects to demonstrate methods for the elimination or control, within all or part of a watershed, of acid or other mine water pollution resulting from active or abandoned mines. Such projects shall demonstrate the engineering and economic feasibility and practicality of various abatement techniques which will contribute substantially to effective and practical methods of acid or other mine water pollution elimination or control.

(b) The Secretary, in selecting watersheds for the purposes of this section, shall (1) require such feasibility studies as he deems appropriate, (2) give preference to areas which have the greatest present or potential value for public use for recreation, fish and wildlife, water supply, and

other public uses, and (3) be satisfied that the project area will not be affected adversely by the influx of acid or other mine water pollution from nearby sources.

(c) Federal participation in such projects shall be subject to the conditions—

(1) that the State or interstate agency shall pay not less than 25 per centum of the actual project costs which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, personal property, or services, the value of which shall be determined by the Secretary; and

(2) that the State or interstate agency shall provide legal and practical protection to the project area to insure against any activities which will cause future acid or other mine water pollution.

(d) There is authorized to be appropriated $15,000,000 to carry out the provisions of this section, which sum shall be available until expended. No more than 25 per centum of the total funds appropriated under this section in any one year shall be granted to any one State.

TRAINING GRANTS AND CONTRACTS

SEC. 20. The Secretary is authorized to make grants to or contracts with institutions of higher education, or combinations of such institutions, to assist them in planning, developing, strengthening, improving, or carrying out programs or projects for the preparation of undergraduate students to enter an occupation which involves the design, operation and maintenance of treatment works, and other facilities whose purpose is water quality control. Such grants or contracts may include payment of all or part of the cost of programs or projects such as—

(A) planning for the development or expansion of programs or projects for training persons in the operation and maintenance of treatment works;

(B) training and retraining of faculty members;

(C) conduct of short-term or regular session institutes for study by persons engaged in, or preparing to engage in, the preparation of students preparing to enter an occupation involving the operation and maintenance of treatment works;

(D) carrying out innovative and experimental programs of cooperative education involving alternate periods of full-time or part-time academic study at the institution and periods of full-time or part-time employment involving the operation and maintenance of treatment works; and

(E) research into, and development of, methods of training students or faculty, including the preparation of teaching materials and the planning of curriculum.

APPLICATION FOR TRAINING GRANTS OR CONTRACT; ALLOCATION OF GRANTS OR CONTRACTS

SEC. 21. (1) A grant or contract authorized by section 20 may be made only upon application to the Secretary at such time or times and containing such information as he may prescribe, except that no such application shall be approved unless it—

(A) sets forth programs, activities, research, or development for which a grant is authorized under section 20, and describes the

relation to any program set forth by the applicant in an application, if any, submitted pursuant to section 22;

(B) provides such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section; and

(C) provides for making such reports, in such form and containing such information, as the Secretary may require to carry out his functions under this section, and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

(2) The Secretary shall allocate grants or contracts under section 20 in such manner as will most nearly provide an equitable distribution of the grants or contracts throughout the United States among institutions of higher education which show promise of being able to use funds effectively for the purposes of this section.

(3)(A) Payment under this section may be used in accordance with regulations of the Secretary, and subject to the terms and conditions set forth in an application approved under subsection (a), to pay part of the compensation of students employed in connection with the operation and maintenance of treatment works, other than as an employee in connection with the operation and maintenance of treatment works, other than as an employee in any branch of the Government of the United States, as part of a program for which a grant has been approved pursuant to this section.

(B) Departments and agencies of the United States are encouraged, to the extent consistent with efficient administration, to enter into arrangements with institutions of higher education for the full-time, part-time, or temporary employment, whether in the competitive or excepted service, of students enrolled in programs set forth in applications approved under subsection (a).

SEC. 22. (1) The Secretary is authorized to award scholarships in accordance with the provisions of this section for undergraduate study by persons who plan to enter an occupation involving the operation and maintenance of treatment works. Such scholarships shall be awarded for such periods as the Secretary may determine but not to exceed four academic years.

(2) The Secretary shall allocate scholarships under this section among institutions of higher education with programs approved under the provisions of this section for the use of individuals accepted into such programs, in such manner and according to such plan as will insofar as practicable—

"(A) provide an equitable distribution of such scholarships throughout the United States; and

"(B) attract recent graduates of secondary schools to enter an occupation involving the operation and maintenance of treatment works.

(3) The Secretary shall approve a program of an institution of higher education for the purposes of this section only upon application by the institution and only upon his finding—

(A) that such program has as a principal objective the education and training of persons in the operation and maintenance of treatment works;

(B) that such program is in effect and of high quality, or can be readily put into effect and may reasonably be expected to be of high quality;

(C) that the application describes the relation of such program to any program, activity, research, or development set forth by the applicant in an application, if any, submitted pursuant to section 20 of this Act; and

(D) that the application contains satisfactory assurances that (i) the institution will recommend to the Secretary for the award of scholarships under this section, for study in such program, only persons who have demonstrated to the satisfaction of the institution a serious intent, upon completing the program, to enter an occupation involving the operation and maintenance of treatment works, and (ii) the institution will make reasonable continuing efforts to encourage recipients of scholarships under this section, enrolled in such program, to enter occupations involving the operation and maintenance of treatment works upon completing the program.

(4)(A) The Secretary shall pay to persons awarded scholarships under this section such stipends (including such allowances for subsistence and other expenses for such persons and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

(B) The Secretary shall (in addition to the stipends paid to persons under subsection (a)) pay to the institution of higher education at which such person is pursuing his course of study such amount as he may determine to be consistent with prevailing practices under comparable federally supported programs.

(5) A person awarded a scholarship under the provisions of this section shall continue to receive the payments provided in this section only during such periods as the Secretary finds that he is maintaining satisfactory proficiency and devoting full time to study or research in the field in which such scholarship was awarded in an institution of higher education, and is not engaging in gainful employment other than employment approved by the Secretary by or pursuant to regulation.

(6) The Secretary shall by regulation provide that any person awarded a scholarship under this section shall agree in writing to enter and remain in an occupation involving the design, operation, or maintenance of treatment works for such period after completion of his course of studies as the Secretary determines appropriate.

DEFINITIONS

SEC. 23. (1) As used in sections 20 through 23 of this act—

(A) The term "State" includes the District of Columbia, Puerto Rico, the Canal Zone, Guam, the Virgin Islands, American Samoa, and the the Trust Territory of the Pacific Islands.

(B) The term "institution of higher education" means an educational institution described in the first sentence of section 1201 of the Higher Education Act of 1965 (other than an institution of any agency of the United States) which is accredited by a nationally recognized accrediting agency or association approved by the Secretary for this purpose. For purposes of this subsection, the Secretary shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

(C) The term "academic year" means an academic year or its equivalent, as determined by the Secretary.

(2) The Secretary shall annually report his activities under sections 20 through 23 of this Act, including recommendations for needed revisions in the provisions thereof.

(3) There are authorized to be appropriated $12,000,000 for the fiscal year ending June 30, 1970, $25,000,000 for the fiscal year ending June 30, 1971, and $25,000,000 for the fiscal year ending June 30, 1972, to carry out sections 20 through 23 of this Act (and planning and related activities in the initial fiscal year for such purpose). Funds appropriated for the fiscal year ending June 30, 1970, under authority of this subsection shall be available for obligation pursuant to the provisions of sections 20 through 23 of this Act during that year and the succeeding fiscal year.

SHORT TITLE

SEC. [19] *24.* This Act may be cited as the "Federal Water Pollution Control Act".

OIL POLLUTION ACT, 1924

[That this Act may be cited as the "Oil Pollution Act, 1924".

[SEC. 2. When used in this Act, unless the context otherwise requires—

[(1) "oil" means oil of any kind or in any form, including fuel oil, sludge, and oil refuse;

[(2) "person" means an individual, company, partnership, corporation, or association; any owner, operator, master, officer, or employee of a vessel; and any officer, agent or employee of the United States;

[(3) "discharge" means any grossly negligent, or willful spilling, leaking, pumping, pouring, emitting, or emptying of oil;

[(4) "navigable waters of the United States" means all portions of the sea within the territorial jurisdiction of the United States, and all inland waters navigable in fact; and

[(5) "Secretary" means the Secretary of the Interior.

[SEC. 3.(a) Except in case of emergency imperiling life or property, or unavoidable accident, collision, or stranding, and except as otherwise permitted by regulations prescribed by the Secretry as hereinafter authorized, it is unlawful for any person to discharge or permit the discharge from any boat or vessel of oil by any method, means, or manner into or upon the navigable waters of the United States, and adjoining shorelines of the United States.

[(b) Any person discharging or permitting the discharge of oil from any boat or vessel, into or upon the navigable waters of the United States shall remove the same from the navigable waters of the United States, and adjoining shorelines immediately. If such person fails to do so, the Secretary may remove the oil or may arrange for its removal, and such person shall be liable to the United States, in addition to the penalties prescribed in section 4 of this Act, for all costs and expenses reasonably incurred by the Secretary in removing the oil from the navigable waters of the United States, and adjoining shorelines of the United States. These costs and expenses shall constitute a lien on such boat or vessel which may be recovered in proceedings by libel in rem.

[(c) The Secretary may prescribe regulations which—

[(1) permit the discharge of oil from boats or vessesl in such quantities under such conditions, and at such times and places as in his opinion will not be deleterious to health or marine life or a menace to navigation, or dangerous to persons or property engaged in commerce on navigable waters of the United States; and

[(2) relate to the removal or cost of removal, or both, of oil from the navigable waters of the United States, and adjoining shorelines of the United States.

[SEC. 4. (a) Any person who violates section 3(a) of this Act shall, upon conviction thereof, be punished by a fine not exceeding $2,500, or by imprisonment not exceeding one year, or by both such fine and imprisonment for each offense.

[(b) Any boat or vessel other than a boat or vessel owned and operated by the United States from which oil is discharged in violation of section 3(a) of this Act shall be liable for a penalty of not more than $10,000. Clearance of a boat or vessel liable for this penalty from a port of the United States may be withheld until the penalty is paid. The penalty shall constitue a lien on such boat or vessel which may be recovered in proceedings by libel in rem in the district court of the United States for any district within which such boat or vessel may be.

[SEC. 5. The Commandant of the Coast Guard may, subject to the provisions of section 4450 of the Revised Statutes, as amended (46 U.S.C. 239), suspend or revoke a license issued to the master or other licensed officer of any boat or vessel found violating the provisions of section 3 of this Act.

[SEC. 6. In the administration of this Act the Secretary may, with the consent of the Commandant of the Coast Guard or the Secretary of the Army, make use of the organization, equipment, and agencies, including engineering, clerical, and other personnel, employed by the Coast Guard or the Department of the Army, respectively, for the preservation and protection of navigable waters of the United States. For the better enforcement of the provisions of this Act, the officers and agents of the United States in charge of river and harbor improvements and persons employed under them by authority of the Secretary of the Army, and persons employed by the Secretary, and officers of the Customs and Coast Guard of the United States shall have the power and authority and it shall be their duty to swear out process and to arrest and take into custody, with or without process, any person who may violate any of such provisions, except that no person shall be arrested without process for a violation not committed in the presence of some one of the aforesaid persons. Whenever any arrest is made under the provisions of this Act the person so arrested shall be brought forthwith before a commissioner, judge, or court of the United States for examination of the offenses alleged against him, and such commissioner, judge or court shall proceed in respect thereto as authorized by law in cases of crimes against the United States.

[SEC. 7. This Act shall be in addition to other laws for the preservation and protection of navigable waters of the United States and shall not be construed as repealing, modifying, or in any manner affecting the provisions of such laws.]

○

Union Calendar No. 35

91ST CONGRESS
1ST SESSION

H. R. 4148

[Report No. 91–127]

IN THE HOUSE OF REPRESENTATIVES

JANUARY 23, 1969

Mr. FALLON (by request) introduced the following bill; which was referred to the Committee on Public Works

MARCH 25, 1969

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To amend the Federal Water Pollution Control Act, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

~~That this Act may be cited as the "Water Quality Improvement Act of VTFT".~~

~~SEC. 2. Section 8 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466e), is amended—~~

~~(1) by inserting in subsection (a) after the words "grants to" a comma and the words "or enter into contracts with,";~~

~~(2) by inserting after the word "grant" in clauses~~

(1), (3), (4), and (5) of subsection (b) the words "or contract"; and after the word "grantee" in clause (3) of subsection (b) the words "or contractee";

(3) by inserting after the word "appropriated" wherever it appears in the second and third sentences of subsection (c) the words "for grants under subsection (b) of this section";

(4) by amending subsection (d) to read as follows:

"(d) For the purpose of making grants there is authorized to be appropriated $700,000,000 for the fiscal year ending June 30, 1969. For the purposes of making grants and payments on contracts under this section, there is authorized to be appropriated $1,000,000,000 for the fiscal year ending June 30, 1970, and $1,250,000,000 for the fiscal year ending June 30, 1971. At least 50 per centum of the first $100,000,000 so appropriated for each fiscal year beginning on or after July 1, 1965, shall be used for grants for the construction of treatment works servicing municipalities of one hundred and twenty-five thousand population or under. There is authorized to be appropriated such sums as may be necessary to make payments after June 30, 1971, on contracts entered into under subsection (f) of this section. Sums appropriated to carry out this section shall remain available until expended.";

(5) by redesignating subsections (f) and (g) as (g) and (h);

(6) by inserting after "subsection (b) of this section" in the first sentence of redesignated subsection (g) a comma and the following: "or the amount contracted for under subsection (f) of this section," and by striking out in such sentence "the amount of such grant" and inserting in lieu thereof "such amount";

(7) by inserting after "grants" in redesignated subsection (h) the following: "or contracts"; and

(8) by inserting a new subsection after subsection (e) to read as follows:

"(f)(1) For the purpose of this subsection, the term 'contracting party' means a State, municipality, or intermunicipal or interstate agency.

"(2) For the purpose of providing an additional method of financing treatment works under this section, there is hereby established within the Treasury of the United States the Water Quality Improvement Revolving Fund (hereinafter referred to as the 'Fund'). There is authorized to be appropriated to the Fund $50,000,000 to purchase obligations under paragraph (4) of this subsection. All sums received by the Secretary (A) from a contracting party in connection with the purchase of such obligations, and (B)

sums received in connection with the sale of such obligations under this subsection shall be deposited into the Funds. All sums covered into the Fund pursuant to this paragraph shall remain available until expended to carry out the provisions of this subsection.

"(3) From time to time, and at least at the close of each fiscal year, the Secretary shall pay from the Fund into the Treasury as miscellaneous receipts, interest on the cumulative amount of appropriations made available to the Fund, less the average undisbursed cash balance in the Fund during such year. The rate of such interest shall be determined by the Secretary of the Treasury, taking into consideration the average market yield during the month preceding each fiscal year on outstanding Treasury obligations with remaining periods to maturity comparable to the average maturity of obligations purchased by the Fund. Such interest payments may be deferred with the approval of the Secretary of the Treasury, but any interest payments so deferred shall themselves bear interest. If at any time the Secretary determines that moneys in the Fund exceed the present and any reasonably prospective future requirements of the Fund, such excess may be transferred to the general fund of the Treasury.

"(4) The Secretary may enter into contracts, in accordance with the provisions of this subsection, with any contracting party (A) to purchase the obligations issued by

such party to finance the cost of constructing treatment works, including the Federal share thereof, and (B) to make principal and interest payments on the obligations purchased by him, within limits to be established in appropriation Acts for fiscal years 1970 and 1971, over a period of not to exceed forty years to cover the Federal share of the construction costs of such treatment works. Obligations purchased by the Secretary under this paragraph shall have a maximum repayment period of not to exceed forty years and shall bear interest at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturity of such obligations, adjusted to the nearest one-eighth of 1 per centum, less not to exceed 1 per centum per annum as determined by the Secretary. No obligation shall be purchased unless the Secretary determines that there is reasonable assurance of repayment and that the amount of the obligation together with other funds available is adequate to assure completion of the project. Any contract entered into by the Secretary with a contracting party shall require that all revenue bond obligations issued by such party covering the Federal and non-Federal share of such works under such contract shall be sold to the Secretary.

"(5) The Federal share for treatment works with respect to which a contract is entered into under paragraph (4) of this subsection shall be the same percentage as would be the case if a grant were being made for such works under subsections (b) and (g) of this section.

"(6) In order to be eligible for a contract under paragraph (4) of this subsection, each contracting party shall meet the applicable requirements of subsection (b) of this section, the first sentence of subsection (c) of this section, and the provisions of this subsection. Each contract shall include such additional terms and conditions as the Secretary deems appropriate.

"(7) The Secretary is authorized to sell, with the approval of the Secretary of the Treasury, the obligations purchased under paragraph (4) of this subsection with agreements for the guarantee thereof, or the obligations may be held in the Fund and collected in accordance with their terms. The Secretary is authorized to make payments to cover the difference in interest between the rates at which such obligations are purchased and the rates at which they are sold under this subsection. The interest on any obligation sold by the Secretary shall not be tax exempt for income purposes under any Federal law. Any such guarantee agreement executed by the Secretary hereunder shall be an obligation supported by the full faith and credit of the United

States; and shall be incontestable except for fraud or material misrepresentation of which the holder has actual knowledge. In connection with obligations guaranteed under this subsection, the Secretary may take liens running to the United States notwithstanding the fact that the notes evidencing such obligations may be held by lenders other than the United States. Notes evidencing such obligations shall be freely assignable, but the Secretary shall not be bound by any such assignment until notice thereof is given to, and acknowledged by, him. The Secretary is authorized to make agreements with respect to servicing obligations held or guaranteed by him under this subsection and purchasing such guaranteed obligations on such terms and conditions as he may prescribe.

"(8) The Secretary may issue notes to the Secretary of the Treasury when necessary to obtain funds to make timely payments in the event of default under any guaranty, or to meet his responsibilities under any purchase agreement, made pursuant to this subsection. The form, denomination, maturities, and other terms and conditions of such notes shall be prescribed by the Secretary with the approval of the Secretary of the Treasury. Each note shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average yield on outstanding marketable obligations of the United States of compara-

ble maturities adjusted to the nearest one-eighth of 1 per centum. The Secretary of the Treasury is authorized and directed to purchase any notes of the Secretary issued hereunder and for that purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which such securities may be issued under such Act are extended to include the purchase of notes issued by the Secretary. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes shall be treated as public debt transactions of the United States.

"(9) The total sum actually appropriated to the Fund to purchase any obligation under paragraph (4) of this subsection and the Federal principal sum of obligations purchased under said paragraph and the amount actually appropriated for grants under subsection (b) of this section, for fiscal years 1970 and 1971 shall not exceed the sums authorized to be appropriated for such years under subsection (d) of this section. Fifty per centum of the principal sum available for contracts under this subsection for each fiscal year beginning after June 30, 1969, shall be allotted by the Secretary in accordance with the ratio that the population of each State bears to the population of all the States. Fifty per centum of such principal sum shall be allotted by

the Secretary to any State meeting on June 30 of the preceding fiscal year the requirements of subsection (b)(7) of this section for a 50 per centum Federal share in accordance with the ratio that the population of each such State bears to the population of all the States meeting said requirements. Sums allotted to a State which are not obligated within six months following the end of the fiscal year for which they were allotted shall be reallotted in the same manner, except that sums allotted to a State in fiscal year 1970 shall be available for obligation therein for eighteen months from the effective date of this subsection.

"(10) In entering into any contract under this subsection, first priority in each State shall be given for treatment works (A) included in waste treatment systems servicing an area of fifty thousand people or more, (B) contributing to the development of a regional collection and treatment system, or (C) financed by a system of charges designed to cover, to the extent practicable, construction costs of such works and operating and maintenance costs."

SEC. 3. Sections 17 and 18 of the Federal Water Pollution Control Act, as amended, are hereby repealed. Section 19 of the Federal Water Pollution Control Act, as amended, is redesignated as section 20. Sections 11 through 16 of the Federal Water Pollution Control Act, as amended, are re-

designated as sections 14 through 19. After section 10 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466g), there are hereby inserted three new sections to read as follows:

"CONTROL OF SEWAGE FROM VESSELS

"SEC. 11. (a) For the purpose of this section, the term—

"(1) 'new vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which is initiated after promulgation of standards and regulations under this section;

"(2) 'existing vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which is initiated before promulgation of standards and regulations under this section;

"(3) 'public vessel' means a vessel owned or bareboat chartered and operated by the United States, by a State or political subdivision thereof, or by a foreign nation or by a political subdivision thereof, except where such vessel is engaged in commercial activities;

"(4) 'United States' includes the Commonwealth

of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands;

"(5) 'marine sanitation device' means any equipment for installation on board a vessel which is designed to receive, retain, treat, or discharge sewage;

"(6) 'sewage' means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

"(7) 'manufacturer' means any person engaged in the manufacturing, assembling, or importation of marine sanitation devices or of vessels having installed on board such devices;

"(8) 'person' means an individual, partnership, firm, corporation, or association, but does not include an individual on board a public vessel;

"(9) 'discharge' means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

"(b)(1) As soon as possible after the enactment of this section, the Secretary, after consultation with the Secretary of the Department in which the Coast Guard is operating, and after giving appropriate consideration to the economic costs involved, and within the limits of available technology, shall promulgate Federal standards of performance for marine sanitation devices (hereinafter referred to as 'standards') which shall be designed to prevent the discharge of untreated or in-

adequately treated sewage into or upon the navigable waters of the United States from new vessels and existing vessels, except vessels not equipped at any time with installed toilet facilities. Such standards shall be consistent with maritime safety and the marine and navigation laws and regulations and shall be coordinated with the regulations issued under this subsection by the Secretary of the Department in which the Coast Guard is operating. The Secretary of the Department in which the Coast Guard is operating shall promulgate regulations, which are consistent with standards promulgated under this subsection and with maritime safety and the marine and navigation laws and regulations, governing the design, construction, installation, and operation of any marine sanitation device on board such vessels.

"(2) Any existing vessel equipped with a device or devices installed pursuant to the requirements of a State or foreign nation statute or regulation or recommended levels of control set forth in the Handbook on Sanitation and Vessel Construction (Public Health Service, 1965) prior to the promulgation of the initial standards and regulations required by this section shall be deemed in compliance with this section until such time as the device or devices are replaced or are found not to be in compliance with such State or foreign nation statute, regulation, or recommended level.

"(c)(1) Initial standards and regulations under this

section shall become effective for new vessels two years after promulgation; but not earlier than December 31, 1971, and for existing vessels five years after promulgation. Revisions of standards and regulations shall be effective upon promulgation, unless another effective date is specified.

"(2) The Secretary and the Secretary of the Department in which the Coast Guard is operating with regard to their respective regulatory authority established by this section, may distinguish among classes, types, and sizes of vessels as well as between new and existing vessels, and may waive applicability of standards and regulations as necessary or appropriate for such classes, types, and sizes of vessels, and, upon application, for individual vessels.

"(d) The provisions of this section and the standards and regulations promulgated thereunder apply to vessels owned and operated by the United States unless the Secretary of Defense finds that compliance would not be in the interest of national security. With respect to vessels owned and operated by the Department of Defense, regulations under subsection (b) and certifications under subsection (g)(2) of this section shall be promulgated and issued by the Secretary of Defense and not by the Secretary of the Department in which the Coast Guard is operating.

"(e) Before the standards and regulations under this

section are promulgated, the Secretary and the Secretary of the Department in which the Coast Guard is operating shall consult with the Secretary of State; the Secretary of Health, Education, and Welfare; the Secretary of Defense; the Secretary of the Treasury; the Secretary of Commerce; other interested Federal agencies; and the States and industries interested; and otherwise comply with the requirements of section 553 of title 5 of the United States Code.

"(f) After the effective date of the initial standards and regulations promulgated under this section, no State or political subdivision thereof shall adopt or enforce any statute or regulation of such State or political subdivision with respect to the design, manufacture, or installation of any marine sanitation device on any vessel subject to the provisions of this section, except that nothing in this section shall be construed to affect or modify the authority or jurisdiction of any State to prohibit discharges of sewerage whether treated or not from a vessel within all or part of the waters of such State.

"(g)(1) No manufacturer of a marine sanitation device shall sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States for sale or resale any marine sanitation devices manufactured after the effective date of the standards and regulations promulgated under this section unless such device is

in all material respects substantially the same as a test device certified under this subsection.

"(2) Upon application of the manufacturer, the Secretary of the Department in which the Coast Guard is operating shall so certify a marine sanitation device if he determines, in accordance with the provisions of this paragraph, that it meets the appropriate standards and regulations promulgated under this section. The Secretary of the Department in which the Coast Guard is operating shall test or require such testing of the device in accordance with procedures set forth by the Secretary as to standards of performance and for such other purposes as may be appropriate. The Secretary, upon notification of the results of such tests, shall determine if such results are in accordance with the appropriate performance standards promulgated under this section and shall notify the Secretary of the Department in which the Coast Guard is operating of his determination. Upon receipt of such notification the Secretary of the Department in which the Coast Guard is operating, if he determines that the device is satisfactory from the standpoint of safety and any other requirements of maritime law or regulation, and after consideration of the design, installation, operation, material, or other appropriate factors, shall certify the device. Any device manufactured by such manufacturer which is in all material respects substantially the

same as the certified test device shall be deemed to be in conformity with the appropriate standards and regulations established under this section.

"(3) Every manufacturer shall establish and maintain such records, make such reports, and provide such information as the Secretary or the Secretary of the Department in which the Coast Guard is operating may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this section and regulations issued thereunder and shall, upon request of an officer or employee duly designated by the Secretary or the Secretary of the Department in which the Coast Guard is operating, permit such officer or employee at reasonable times to have access to and copy such records. All information reported to, or otherwise obtained by, the Secretary or the Secretary of the Department in which the Coast Guard is operating or their representatives pursuant to this subsection which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this section.

"(h) After the effective date of standards and regulations promulgated under this section, it shall be unlawful—

"(1) for the manufacturer of any vessel subject to such standards and regulations to manufacture for sale, to sell or offer for sale, or to distribute for sale or resale any such vessel unless it is equipped with a marine sanitation device which is in all material respects substantially the same as the appropriate test device certified pursuant to this section;

"(2) for any person, prior to the sale or delivery of a vessel subject to such standards and regulations to the ultimate purchaser, wrongfully to remove or render inoperative any certified marine sanitation device or element of design of such device installed in such vessel;

"(3) for any person to fail or refuse to permit access to or copying of records or to fail to make reports or provide information required under this section; and

"(4) for a vessel subject to such standards and regulations to discharge sewage into or upon the navigable waters of the United States, except with the use of a marine sanitation device certified pursuant to this section.

"(i) The district courts of the United States shall have jurisdiction to restrain violations of subsection (h)(1) through (3) of this section. Actions to restrain such viola-

tions shall be brought by, and in, the name of the United States. In case of contumacy or refusal to obey a subpena served upon any person under this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(j) Any person who violates clauses (1) or (2) of subsection (h) of this section shall be liable to a civil penalty of not more than $5,000 for each violation. Any person who violates clause (1) of subsection (h) of this section shall be liable to a civil penalty of not more than $2,000 for each violaton. Each violation shall be a separate offense. The Secretary of the Department in which the Coast Guard is operating may assess and compromise any such penalty. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by said Secretary.

"(k) The provisions of this section shall be enforced by the Secretary of the Department in which the Coast Guard

is operating and he may utilize by agreement with or without reimbursement law enforcement officers or other personnel and facilities of the Secretary, other Federal agencies, or the States to carry out the provisions of this section.

"(l) Anyone authorized by the Secretary of the Department in which the Coast Guard is operating to enforce the provisions of this section may, except as to public vessels, (1) board and inspect any vessel upon the navigable waters of the United States, (2) with or without a warrant arrest any person who violates the provisions of this section or any regulation issued thereunder in his presence or view, and (3) execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(m) In the case of Guam, actions arising under this section may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions.

"CONTROL OF POLLUTION BY OIL AND OTHER MATTER

"DEFINITIONS

"SEC. 12. (a) For the purpose of this section, the term—

"(1) 'oil' means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, and oil refuse, but does not include oil mixed with other matter;

"(2) 'matter means any substance of any description or origin, other than sewage, oil, and dredged spoil which is discharged in substantial quantities, but does not include byproduct material, source material, and special nuclear material as defined in the Atomic Energy Act of 1954 (42 U.S.C. 2013).

"(3) 'sewage' means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

"(4) 'discharge' means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping;

"(5) 'remove or removal' refers to the taking of reasonable and appropriate measures to mitigate the potential damage of the discharge of oil or matter to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, shorelines, and beaches;

"(6) 'vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water;

"(7) 'public vessel' means a vessel owned or bareboat chartered and operated by the United States, or

by a State or political subdivision thereof, or by a foreign nation or political subdivision thereof, except where such vessel is engaged in commercial activities;

"(8) 'United States' includes the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

"(9) 'owner or operator' means any person owning, operating, or chartering by demise, a vessel;

"(10) 'person' includes an individual, firm, corporation, association, or a partnership, except individuals on board public vessels; and

"(11) 'contiguous zone' means the entire zone established or to be established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone.

"NOTICE

"(b) Any person who discharges or permits or causes or contributes to the discharge of oil or matter in substantial quantities from any source into or upon the navigable waters of the United States or adjoining shorelines or beaches, or into or upon the waters of the contiguous zone because such oil or matter threatens to pollute or contribute to the pollution of the territory or the territorial sea of the United States, shall immediately notify the appropriate delegate of the President of such discharge. Any such person who know-

~~ingly fails to notify immediately such delegate of any such discharge of oil or matter into or upon such waters, shorelines, or beaches, shall, upon conviction, be fined not more than $5,000, or imprisoned for not more than one year, or both.~~

~~"CONTROL OF OIL DISCHARGED FROM VESSELS; CIVIL PENALTY~~

~~"(c)(1) Except in case of an emergency imperiling life, or an act of war or sabotage, or an unavoidable accident, collision, or stranding, or except as otherwise permitted by regulations issued by the Secretary under this section, or except where otherwise not prohibited in the contiguous zone under the provisions of Article IV of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended, any owner or operator who, either directly or through any person, whether or not his servant or agent, concerned, in the operation, navigation, or management of the vessel, discharges or permits the discharge of oil from a vessel into or upon the navigable waters of the United States or adjoining shorelines and beaches of the United States, or into or upon the waters of the contiguous zone because such oil threatens to pollute or contribute to the pollution of the territory or the territorial sea of the United States, shall be subject to the penalties provided in this subsection.~~

"(2) Any owner or operator who, or any vessel, other than a public vessel, which discharges oil in violation of paragraph (1) of this subsection shall be assessed a civil penalty by the Secretary of not more than $10,000 for each offense. Each violation is a separate offense. Any such civil penalty may be compromised by the Secretary. In determining the amount of the penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the owner or operator of the vessel charged, the effect on the owner or operator's ability to continue in business, and the gravity of the violation, shall be considered by the Secretary. The district director of customs at the port or place of departure from the United States shall withhold at the request of the Secretary the clearance required by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C. 91), of any vessel subject to the foregoing penalty. Clearance may be granted in such cases upon the filing of a bond or other surety satisfactory to the Secretary. Such penalty shall constitute a maritime lien on such vessel which may be recovered by action in rem in the district court of the United States for any district within which such vessel may be found.

"REMOVAL OF DISCHARGED OIL OR MATTER BY THE UNITED STATES

"(d) Whenever advice is received of any discharge of

oil or matter into or upon any waters, shorelines, or beaches, the United States may remove or arrange for the removal thereof in accordance with the regulations prescribed under subsection (g) of this section when, in the judgment of the Secretary, such oil or matter presents an actual or threatened pollution hazard to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife, or to public or private shorelines and beaches in the United States, unless other adequate arrangement for removal of such oil or matter have been made as required by subsections (c)(1) or (f)(1) of this section.

"REMOVAL OF DISCHARGED OIL OR MATTER BY OWNER OR OPERATOR OF A VESSEL

"(c)(1) The owner or operator of any vessel who, either directly or through any person, whether or not his servant or agent, concerned in the operation, navigation, or management of the vessel, willfully or negligently discharges or permits or causes or contributes to the discharge of oil or matter into or upon the navigable waters of the United States or adjoining shorelines or beaches or into or upon the waters of the contiguous zone because oil or matter threatens to pollute or contribute to the pollution of the territory or the territorial sea of the United States, shall immediately remove such oil or matter from such waters, shorelines, and beaches. If the United States removes the oil or matter, such

owner or operator, and, as appropriate, the vessel shall be liable to the United States for the full amount of the costs reasonably incurred under this subsection for the removal of such oil or matter, except that such aggregate liability for the cost of removal shall not exceed $15,000,000 or $450 per gross registered ton of such offending vessel, whichever is the lesser amount. The district director of customs at the port or place of departure from the United States shall withhold at the request of the Secretary the clearance required by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C. 91), of a vessel, other than a public vessel, liable for such costs until such costs are paid or until a bond or other surety satisfactory to the Secretary is posted. Such costs shall constitute a maritime lien on such vessel which may be recovered in an action in rem in the district court of the United States for any district within which such vessel may be found.

"(2) In any action instituted by the United States under paragraph (1) of this subsection, evidence of a discharge of oil or matter from a vessel shall constitute a prima facie case of liability to the United States on the part of the owner or operator thereof and the burden of rebutting such prima facie case shall be upon such owner or operator. The United States shall also have cause of action under para-

graph (1) of this subsection against any owner or operator of a vessel whose willful act or negligence is found to have caused or contributed to the discharge of oil or matter from a vessel involved in a collision or other casualty. The burden or rebutting the prima facie case of liability which the United States shall have against a vessel or the owner or operator thereof from which the oil or matter is discharged shall in no way affect any rights which such owner or operator may have against any other vessel or owner or operator or other persons whose willful act or negligence may in any way have caused or contributed to such discharge.

"REMOVAL OF OIL AND MATTER DISCHARGED FROM ON-SHORE OR OFFSHORE FACILITIES

"(f)(1) Any person subject to the jurisdiction of the United States who owns or operates an onshore or offshore facility of any kind, other than a facility owned or operated by the United States, or a State or a political subdivision thereof who either directly or through any other person, whether or not his servant or agent, concerned in the operation or management of such facility, willfully or negligently discharges or permits or causes or contributes to the discharge of oil or matter into or upon the navigable waters of the United States or adjoining shorelines or beaches, or into or upon the waters of the contiguous zone, or into or upon the waters beyond such zone, shall immediately remove

such oil or matter from such waters, shorelines, and beaches. If the United States removes the oil or matter, such person shall be liable to the United States for the full amount of the costs reasonably incurred for the removal of such oil or matter, except that such aggregate liability for the cost of removal of such oil or matter shall not exceed $15,000,000.

"(2) In any action instituted by the United States under this subsection, evidence of a discharge of oil or matter from an onshore or offshore facility of any kind, other than a vessel, shall constitute a prima facie case of liability to the United States on the part of any person who owns or operates such facility and the burden of rebutting such prima facie case shall be upon such person.

"REGULATIONS GOVERNING THE REMOVAL OF DISCHARGED OIL OR MATTER BY ANYONE

"(g) Within 60 days after the effective date of this section and from time to time thereafter—

"(1) the Secretary shall issue regulations, in consultation with the Secretary of the department in which the Coast Guard is operating and consistent with maritime safety and with marine and navigation laws, establishing criteria in removing discharged oil and matter, including criteria relative to the methods and means of removal, from waters, shorelines, and beaches; and

"(2) the Secretary of the department in which

the Coast Guard is operating shall issue regulations, in consultation with the Secretary, establishing procedures, methods, and equipment (A) to implement the regulations of the Secretary relative to removing discharged oil and matter, and (B) to prevent discharges of oil and matter from vessels.

"GENERAL PROVISIONS

"(h)(1) There is hereby authorized to be appropriated to a revolving fund to be established in the Treasury not to exceed $15,000,000 to carry out the provisions of subsection (d) of this section. Any funds received by the United States under this section shall also be deposited in said fund for such purposes, except that such funds shall be available to reimburse a State or political subdivision thereof that assists in the removal of any discharged oil or matter. All sums appropriated to, or deposited in, said fund shall remain available until expended.

"(2) For the purpose of insuring the efficient and economic removal of any discharged oil or matter under subsection (d) of this section, the President shall, within ninety days after the effective date of this section and from time to time thereafter, delegate to the Secretary, the Secretary of the Department in which the Coast Guard is operating, the Secretary of Defense, and the heads of such other agencies as may be appropriate, all or part of the responsibility under

subsection (d) of this section for removing discharged oil or matter, in accordance with any national contingency plan or revision thereof, approved by the President, establishing procedures to be followed in removing such oil or matter. Any moneys in the fund established by this subsection shall be available to such Federal agencies to effectuate such removal. Each such agency, in order to avoid duplication of effort, shall, whenever practicable, utilize with or without reimbursement the personnel, services, and facilities of other Federal agencies and of State agencies.

"(3) After regulations are promulgated under subsection (g) of this section, the removal of any discharged oil or matter by anyone under this section shall be carried out in accordance with such regulations.

"(4) The Secretary, in consultation with the Secretary of the Department in which the Coast Guard is operating and consistent with maritime safety and with marine and navigation laws and regulations, may issue regulations authorizing the discharge of oil or matter from a vessel in quantities, under conditions, and at times and locations deemed appropriate by him, after taking into consideration various factors such as the effect of such discharge on applicable water quality standards, recreation, and fish and wildlife.

"(5) The provisions of subsection (c) of this section and the regulations issued under subsection (g) of this section shall be enforced by the Secretary of the Department in which the Coast Guard is operating. The Secretary of the Department in which the Coast Guard is operating may utilize by agreement, with or without reimbursement, the personnel services, and facilities of any other Federal agency or State agency in carrying out these provisions and regulations.

"(6) Anyone authorized by the Secretary of the department in which the Coast Guard is operating to enforce the provisions of this section may, except as to public vessels, (A) board and inspect any vessel upon the navigable waters of the United States or the waters of the contiguous zone, (B) with or without a warrant arrest any person who violates the provisions of this section or any regulation issued thereunder in his presence or view, and (C) execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(7) In the case of Guam, actions arising under this section may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court

of the United States for the District of Hawaii and such court shall have jurisdiction of such actions.

"(8) Nothing in this section shall be construed as authorizing the Secretary or the Secretary of the department in which the Coast Guard is operating to regulate the operations or construction of any onshore or offshore facility, or as affecting or modifying any other existing authority of either Secretary relative to such facilities under this Act or any other provision of law.

"STUDY BY SECRETARY OF TRANSPORTATION

"(i) The Secretary of Transportation, in consultation with the Secretaries of Interior, State, Treasury, Commerce, and other interested Federal agencies, shall conduct a study of the need for, and the desirability of, establishing a system of requiring vessels using the navigable waters of the United States and the waters of the contiguous zone to give evidence that such vessels have adequate financial capability within appropriate limitations to reimburse the United States in accordance with the provisions of this section for the removal of discharged oil and to pay damage claims covering private, real, or personal property damaged or destroyed by such discharged oil. In carrying out this study, the Secretary of Transportation shall seek detailed information relative to the economic effects of such a system on the merchant marine industry, and the advice and recommendations of representa-

tives of the merchant marine, oil, and insurance industries, labor, and other national and international organizations relative to the need for, and desirability of, such a system. The Secretary of Transportation shall submit a report thereon, together with recommendations thereon, to the Congress, through the President, by July 1, 1970.

"AREA ACID AND OTHER MINE WATER POLLUTION CONTROL DEMONSTRATIONS

"SEC. 13. (a) The Secretary, in cooperation with other Federal agencies, is authorized to enter into agreements with any State or interstate agency to carry out one or more projects to demonstrate methods for the elimination or control, within all or part of a watershed, of acid or other mine water pollution resulting from active or abandoned mines. Such projects shall demonstrate the engineering and economic feasibility and practicality of various abatement techniques which will contribute substantially to effective and practical methods of acid or other mine water pollution elimination or control.

"(b) The Secretary, in selecting watersheds for the purposes of this section, shall (1) require such feasibility studies as he deems appropriate, (2) give preference to areas which have the greatest present or potential value for public use for recreation, fish and wildlife, water supply, and other

public uses, and (3) be satisfied that the project area will not be affected adversely by the influx of acid or other mine water pollution from nearby sources.

"(c) Federal participation in such projects shall be subject to the conditions—

"(1) that the State or interstate agency shall pay not less than 25 per centum of the actual project costs which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, personal property, or services, the value of which shall be determined by the Secretary; and

"(2) that the State or interstate agency shall provide legal and practical protection to the project area to insure against any activities which will cause future acid or other mine water pollution.

"(d) There is authorized to be appropriated $15,000,000 to carry out the provisions of this section, which sum shall be available until expended. No more than 25 per centum of the total funds appropriated under this section in any one year shall be granted to any one State."

SEC. 4. Redesignated section 14 of the Federal Water Pollution Control Act, as amended, is amended to read as follows:

"COOPERATION BY ALL FEDERAL AGENCIES IN THE CONTROL OF POLLUTION

"SEC. 14. (a) Each Federal agency having jurisdiction over any real property or facility of any kind shall, within available appropriations and consistent with the interests of the United States, cooperate with the Secretary and the appropriate State water pollution control agency to insure compliance with applicable water quality standards and the purposes of this Act in the administration of such property or facility. In his summary of any conference pursuant to section 10(d)(4) of this Act, the Secretary shall include references to any discharges allegedly contributing to pollution from any such Federal property or facility, and shall transmit a copy of such summary to the head of the Federal agency having jurisdiction of such property or facility. Notice of any hearing pursuant to section 10(f) of this Act involving any pollution alleged to be affected by any such discharges shall also be given to the Federal agency having jurisdiction over the property or facility involved, and the findings and recommendations of the Hearing Board conducting such hearing shall include references to any such discharges which are contributing to the pollution found by such Board.

"(b) Whenever an application is filed with any Federal department or agency to authorize or assist by license, lease, or permit any activity which discharges or may discharge

matter of any kind into any waters, such agency or department shall receive from the Secretary a report and recommendations, prepared in consultation with the appropriate State or interstate water pollution control agency or agencies, for the purpose of insuring compliance by such activity with applicable water quality standards in effect for such waters. Upon receipt of such report and recommendations, such department or agency shall prescribe such measures as it deems appropriate, in accordance with the procedures established by such agency to consider such applications, to insure compliance at all times with the applicable water quality standards. Nothing in this subsection shall be construed as affecting the authority of the Secretary or any State or interstate agency in requiring the compliance of such standards under this Act or any other provision of law."

SEC. 5. Section 5 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466e), is amended—

(a) by redesignating subsections (g) and (h) as (k) and (l);

(b) by inserting after subsection (f) two new subsections to read as follows:

"(h) The Secretary is authorized to enter into contracts with, or make grants to, public or private agencies and organizations and individuals for the purpose of developing and demonstrating new or improved methods for the

prevention, removal, and control of natural or manmade pollution in lakes, including the undesirable effects of nutrients and vegetation.

"(i) In carrying out the provisions of subsections (a) through (j) of this section relating to the conduct by the Secretary of demonstration projects and the development of field laboratories and research facilities, the Secretary may acquire land and interests therein by purchase, with appropriated or donated funds, by donation, or by exchange for acquired or public lands under his jurisdiction which he classifies as suitable for disposition. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.";

(c) by changing in redesignated subsection (1) (4) the words "and June 30, 1969," to "June 30, 1969, and June 30, 1970,"; and

(d) by amending the first sentence of redesignated subsection (m) to read as follows:

"(m) There is authorized to be appropriated to carry out this section, other than subsection (1), not to exceed $65,000,000 for the fiscal year ending June 30, 1969, and such sums as may be necessary for the fiscal years ending June 30, 1970, and June 30, 1971."

SEC. 6. Section 6(c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466c-1), is amended to read as follows:

"(c) For the purposes of this section there are authorized to be appropriated —

"(1) for the fiscal year ending June 30, 1969, the sum of $20,000,000 annually and for the fiscal years ending June 30, 1970, and June 30, 1971, such sums as may be necessary for the purposes set forth in subsections (a) and (b) of this section, including contracts pursuant to such subsections for such purposes;

"(2) for the fiscal year ending June 30, 1969, the sum of $20,000,000 annually and for the fiscal years ending June 30, 1970, and June 30, 1971, such sums as may be necessary for the purpose set forth in clause (2) of subsection (a); and

"(3) for the fiscal year ending June 30, 1969, the sum of $20,000,000 annually and for the fiscal years ending June 30, 1970, and June 30, 1971, such sums as may be necessary for the purpose set forth in subsection (b)."

SEC. 7. Redesignated section 17 of the Federal Water Pollution Control Act, as amended, is amended by deleting the following: "the Oil Pollution Act, 1924, or".

~~SEC. 8. The Oil Pollution Act, 1924 (43 Stat. 604), as amended (80 Stat. 1246-1252), is hereby repealed.~~

That this Act may be cited as the "Water Quality Improvement Act of 1969."

SEC. 2. Existing sections 17 and 18 of the Federal Water Pollution Control Act, as amended, are hereby repealed. Section 19 of the Federal Water Pollution Control Act, as amended, is redesignated as section 24. After section 16 of the Federal Water Pollution Control Act, as amended, there is hereby inserted the following new sections:

"CONTROL OF POLLUTION BY OIL AND OTHER MATTER

"SEC. 17. (a) For the purpose of this section, the term—

"(1) 'oil' means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, and oil refuse, but does not include oil mixed with dredged spoil;

"(2) 'matter' means any substance of any description or origin, other than oil, dredged spoil, and human body wastes and the wastes from toilets and other receptacles intended to receive or retain human body waters, which, when discharged into the navigable waters of the United States or the waters of the contiguous zone in substantial quantities, presents, in the judgment of the

Secretary, an imminent and substantial hazard to public health or welfare, including fish, shellfish, and wildlife, and shorelines and beaches, but such term does not include byproduct material, source material, and special nuclear material as defined in the Atomic Energy Act of 1954 (42 U.S.C. 2013).

"(3) 'discharge' means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping;

"(4) 'remove or removal' refers to the taking of reasonable and appropriate measures to mitigate the potential damage of the discharge of oil or matter to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, shorelines, and beaches.

"(5) 'vessel' means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water;

"(6) 'public vessel' means a vessel owned or bareboat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation or political subdivision thereof, except where such vessel is engaged in commercial activities;

"(7) 'United States' means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

"(8) 'owner or operator' means any person owning, operating, or chartering by demise, a vessel;

"(9) 'person' includes an individual, firm, corporation, association, or a partnership, except individuals on board public vessels; and

"(10) 'contiguous zone' means the entire zone established or to be established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone.

"(b) Any individual in charge of a vessel (other than a public vessel) or of an onshore or offshore facility of any kind (other than one owned or operated by the United States, a State, or any political subdivision of a State) at the time of any discharge of oil or matter from such vessel or facility in substantial quantities into or upon the navigable waters of the United States or adjoining shorelines or beaches, or into or upon the waters of the contiguous zone, shall, as soon as he has knowledge of such discharge, immediately notify either the Secretary, or the Secretary of the department in which the Coast Guard is operating of such discharge. Any such individual who fails to notify immediately such delegate of any such discharge of oil or matter into or upon such waters, shorelines, or beaches, shall upon conviction, be fined not more than $5,000, or imprisoned for not more than one year, or both.

"(c)(1) Except in case of an emergency imperiling life, or an act of war or sabotage, or an unavoidable accident, collision, or stranding, or an act of God, or except as otherwise permitted by regulations issued by the Secretary under this section, or except where otherwise not prohibited in the contiguous zone under the provisions of article IV of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended, any owner or operator who, either directly or through any person concerned in the operation, navigation, or management of the vessel, discharges or permits the discharge of oil or matter from a vessel in substantial quantities into or upon the navigable waters of the United States or adjoining shorelines and beaches of the United States, or into or upon the waters of the contiguous zone if such oil or matter threatens to pollute or contribute to the pollution of the territory or the territorial sea of the United States, shall be subject to the penalties provided in this subsection.

"(2) Any owner or operator who, or any vessel (other than a public vessel) which, willfully or negligently, discharges oil or matter in substantial quantities in violation of paragraph (1) of this subsection shall be assessed a civil penalty by the Secretary of the department in which the Coast Guard is operating of not more than $10,000 for

each offense. No penalty shall be assessed unless the owner, operator, or vessel charged shall have been given notice and opportunity for a hearing on such charge. Each violation is a separate offense. Any such civil penalty may be compromised by such Secretary. In determining the amount of the penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the owner or operator of the vessel charged, the effect on the owner or operator's ability to continue in business, and the gravity of the violation, shall be considered by such Secretary. The district director of customs at the port or place of departure from the United States shall withhold at the request of such Secretary the clearance required by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C. 91), of any vessel subject to the foregoing penalty. Clearance may be granted in such cases upon the filing of a bond or other surety satisfactory to such Secretary. Such penalty shall constitute a maritime lien on such vessel which may be recovered by action in rem in the district court of the United States for any district within which such vessel may be found.

"(d)(1) Whenever any oil or matter is discharged into or upon any waters, shorelines, or beaches, the United States shall remove or arrange for the removal thereof, in accordance with the regulations prescribed under subsection

(g) of this section, when, in the judgment of the Secretary, such oil or matter presents an actual or threatened pollution hazard to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife, or to public or private shorelines and beaches in the United States, unless other adequate arrangements for removal of such oil or matter have been made as required by subsections (e)(1), (f)(1), or (f)(2) of this section.

"(2) Whenever a marine disaster in or upon the navigable waters of the United States has created a substantial threat of a pollution hazard to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife and the public and private shorelines and beaches of the United States, because of a discharge, or an imminent discharge, of large quantities of oil or matter from a vessel the United States may (A) coordinate and direct all public and private efforts directed at the removal or elimination of such threat; and (B) summarily remove, and, if necessary, destroy such vessel by whatever means are available without regard to any provision of law governing the employment of personnel or the expenditure of appropriated funds. The expense of removing any such vessel, the negligent operation of which caused or contributed to the marine disaster, shall be a charge against such vessel and its cargo and the owner or operator of such vessel. If the owner or operator thereof

fails to reimburse the United States for such expense within thirty days after notification thereof, the United States may sell the vessel or cargo or any part that may not have been destroyed in removal, and the proceeds of such sale shall be deposited in the fund established in subsection (h) of this section.

"(e)(1) The owner or operator of any vessel who, either directly or through any person concerned in the operation, navigation, or management of the vessel, willfully or negligently discharges or permits or causes or contributes to the discharge of oil or matter into or upon the navigable waters of the United States or adjoining shorelines or beaches, or into or upon the waters of the contiguous zone if the Secretary of the department in which the Coast Guard is operating finds that such oil or matter threatens to pollute or contribute to the pollution of the territory or the territorial sea of the United States, shall immediately remove such oil or matter from such waters, shorelines, and beaches in accordance with regulations prescribed under subsection (g) of this section. If the United States removes oil or matter which was willfully or negligently discharged by such owner or operator, the vessel and such owner or operator shall be liable to the United States for the full amount of the costs reasonably incurred under this subsection for the removal of the oil or matter, except that, notwithstanding any other

provision of law, with respect to each offending vessel and the owner or operator thereof the aggregate liability for the cost of removal shall not exceed $10,000,000 or $100 per gross registered ton of such offending vessel, whichever is the lesser amount, in the case of such a willful or negligent discharge. The district director of customs at the port or place of departure from the United States shall withhold at the request of the Secretary the clearance required by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C. 91), of a vessel, other than a public vessel, liable for such costs until such costs are paid or until a bond or other surety satisfactory to the Secretary is posted. Such costs shall constitute a maritime lien on such vessel which may be recovered in an action in rem in the district court of the United States for any district within which such vessel may be found. The United States may bring action against the owner or operator in any court of competent jurisdiction to recover such costs. The United States shall also have a cause of action under this paragraph against any owner or operator of a vessel whose willful act or negligence is found to have caused or contributed to the discharge of oil or matter from a vessel involved in a collision or other casualty.

"(2) In any action instituted by the United States under this subsection, subsection (c), or subsection (f) of this

section, evidence of a discharge of oil or matter shall constitute a prima facie case of liability to the United States on the part of the owner or operator of the vessel or the person owning or operating the facility, as the case may be, and the burden of rebutting such prima facie case shall be upon such owner or operator or person, as the case may be. The burden of rebutting the prima facie case of liability which the United States shall have against a vessel or the owner or operator thereof, or against a person who owns or operates an onshore or offshore facility, from which the oil or matter is discharged shall in no way affect any rights which such owner or operator or person may have against any other vessel or facility or owner or operator or other persons whose willful act or negligence may in any way have caused or contributed to such discharge.

"(f)(1) Any person who owns or operates an onshore facility of any kind (other than a facility owned or operated by the United States, a State, or a political subdivision of a State) who, either directly or through any other person concerned in the operation or management of such facility, willfully or negligently discharges or permits the discharge of oil or matter into or upon the navigable waters of the United States or adjoining shorelines or beaches, or into or upon the waters of the contiguous zone, or into or upon the waters beyond such zone, shall immediately

remove such oil or matter from such waters, shorelines, and beaches in accordance with regulations prescribed under subsection (g) of this section.

"(2) Any person who owns or operates any offshore facility of any kind (other than a facility owned or operated by the United States, a State, or a political subdivision of a State) which facility is located offshore but within the seaward boundary (within the meaning of the Submerged Lands Act (43 U.S.C. 1301 et seq.)) of a State, who either directly or through any other person concerned in the operation or management of such facility, willfully or negligently discharges or permits the discharge of oil or matter into or upon the navigable waters of the United States or adjoining shorelines or beaches, or into or upon the waters of the contiguous zone, or into or upon the waters beyond such zone, shall immediately remove such oil or matter from such waters, shorelines, and beaches in accordance with regulations prescribed under subsection (g) of this section.

"(3) If the United States removes any oil or matter required by paragraphs (1) and (2) of this subsection to be removed by any other person, such person shall be liable to the United States for the full amount of the costs reasonably incurred for the removal of such oil or matter except (A) that the aggregate liability for the costs of a removal

shall not exceed $8,000,000, and (B) that the Secretary shall, by regulation, after consultation with the Secretary of Commerce and the Small Business Administration, establish reasonable and equitable classifications of onshore facilities and activities and apply with respect to such classifications differing limits of liability which may be less than the amount contained in this paragraph. This paragraph shall not apply to any onshore facility until it shall come within a classification established by the Secretary under the preceding sentence, but no such classification shall be established without at least sixty days notification to Congress of such intended classification. The United States may bring action against any such person in any court of competent jurisdiction to recover such costs.

"(4) Nothing in this subsection shall be construed as preempting any State or political subdivision thereof from imposing any requirement or liability with respect to the discharge of oil or matter into any waters within such State.

"(g)(1) Within sixty days after the effective date of this section and from time to time thereafter—

"(A) the Secretary shall issue regulations, in consultation with the Secretary of the department in which the Coast Guard is operating and consistent with maritime safety and with marine and navigation laws, establishing environmental quality criteria relating to the

methods and procedures for removal of discharged oil and matter;

"(B) the Secretary of the department in which the Coast Guard is operating shall issue regulations, in consultation with the Secretary, establishing procedures, methods, and equipment (i) to prevent discharges of oil from vessels, and (ii) consistent with regulations of the Secretary, to remove discharged oil or matter.

"(2) Any owner or operator required under subsection (e), and any person required under subsection (f), to remove any oil or matter from any waters, shorelines, or beaches in accordance with regulations prescribed under this subsection who violates any such regulation shall be liable to a civil penalty of not more than $5,000 for each such violation. Each violation shall be a separate offense. The Secretary of the department in which the Coast Guard is operating may assess and compromise such penalty. No penalty shall be assessed until the owner, operator, or person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the owner, operator, or person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by such Secretary.

"(h)(1) There is hereby authorized to be appropriated to a revolving fund to be established in the Treasury not to exceed $20,000,000 to carry out the provisions of subsection (d) of this section. Any other funds received by the United States under this section shall also be deposited in said fund for such purposes, except that such funds shall be available to reimburse a State or political subdivision thereof that assists in the removal of any discharged oil or matter. All sums appropriated to, or deposited in, said fund shall remain available until expended.

"(2) For the purpose of insuring the efficient and economic removal of oil or matter under subsection (d) of this section, the President shall, within ninety days after the effective date of this subsection, delegate to the Secretary of the department in which the Coast Guard is operating, to the Secretary, to the Secretary of Defense, and to other appropriate Federal agencies, all or part of the responsibility under subsection (d) of this section for removing discharged oil or other matter, in accordance with a national contingency plan or revision thereof, approved by the President. The Secretary of the department in which the Coast Guard is operating is authorized to make available to such Federal agencies from the fund established by paragraph (1) of this subsection such sums as may be necessary to effectuate such removal. Each such agency, in order to avoid duplica-

tion of effort, shall, whenever practicable, utilize the personnel, services, and facilities of other Federal and State agencies.

"(3) The Secretary, in consultation with the Secretary of the department in which the Coast Guard is operating and consistent with maritime safety and with marine and navigation laws and regulations, may issue regulations authorizing the discharge of oil or matter from a vessel in quantities, under conditions, and at times and locations deemed appropriate by him, after taking into consideration various factors such as the effect of such discharge on applicable water quality standards, recreation, and fish and wildlife.

"(4) The provisions of subsection (c) of this section and the regulations issued under subsection (g) of this section shall be enforced by the Secretary of the department in which the Coast Guard is operating. The Secretary of the department in which the Coast Guard is operating may utilize by agreement, with or without reimbursement, the personnel, services, and facilities of any other Federal agency or State agency in carrying out these provisions and regulations.

"(5) Anyone authorized by the Secretary of the department in which the Coast Guard is operating to enforce the provisions of this section may, except as to public vessels,

(A) board and inspect any vessel upon the navigable waters of the United States or the waters of the contiguous zone, (B) with or without a warrant arrest any person who violates the provisions of this section or any regulation issued thereunder in his presence or view, and (C) execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(6) In the case of Guam, actions arising under this section may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions.

"(i) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel or onshore facility or offshore facility under any provision of law for damages to any publicly or privately owned property from a discharge of oil or matter or from the removal of any oil or matter.

"(j) Nothing in this section shall be construed as authorizing the Secretary or the Secretary of the department in which the Coast Guard is operating to regulate the operations or construction of any onshore or offshore fa-

cility, or as affecting or modifying any other existing authority of either Secretary relative to such facilities under this Act or any other provision of law.

"(k)(1) Any vessel over one hundred gross registered tons, including any barge of equivalent size, using any port or place in the United States or the navigable waters of the United States for any purpose shall establish and maintain under regulations to be prescribed from time to time by the appropriate delegate of the President, evidence of financial responsibility to meet the maximum potential liability to the United States which such vessel could be subjected under this section for willful or negligent discharges of oil or matter. In cases where an owner or operator owns, operates, or charters more than one such vessel, financial responsibility need only be established to meet the maximum liability to which the largest of such vessels could be subjected. Financial responsibility may be established by any one of, or a combination of, the following methods acceptable to the delegate of the President: (A) policies of insurance, (B) surety bonds, (C) qualification as a self-insurer, or (D) other evidence of financial responsibility. Any bond filed shall be issued by a bonding company authorized to do business in the United States.

"(2) The provisions of paragraph (1) of this subsec-

tion shall be effective one year after the effective date of this section. The President shall delegate the responsibility to carry out the provisions of this subsection to the appropriate agency head within sixty days after the effective date of this section. Regulations necessary to implement this subsection shall be issued within six months after the effective date of this section.

"(3) The Secretary of Transportation, in consultation with the Secretaries of Interior, State, Commerce, and other interested Federal agencies, representatives of the merchant marine, oil companies, insurance companies, and other interested individuals and organizations, and taking into account the results of the application of paragraph (1) of this subsection, shall conduct a study of the need for and, to the extent determined necessary—

"(A) other measures to provide financial responsibility and limitations of liability with respect to vessels using the navigable waters of the United States;

"(B) measures to provide financial responsibility for all onshore and offshore facilities; and

"(C) other measures for limitations of liability of such facilities;

for the cost of removing discharged oil or matter and paying all damages resulting from the discharge of such oil or matter. The Secretary of Transportation shall submit a re-

port, together with any legislative recommendations, to Congress and the President by January 1, 1971.

"CONTROL OF SEWAGE FROM VESSELS

"SEC. 18. (a) For the purpose of this section, the term—

"(1) 'new vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which is initiated after promulgation of standards and regulations under this section;

"(2) 'existing vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which is initiated before promulgation of standards and regulations under this section;

"(3) 'public vessel' means a vessel owned or bareboat chartered and operated by the United States, by a State or political subdivision thereof, or by a foreign nation or by a political subdivision thereof, except where such vessel is engaged in commercial activities;

"(4) 'United States' includes the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands;

"(5) 'marine sanitation device' means any equipment for installation on board a vessel which is designed to receive, retain, treat, or discharge sewage;

"(6) 'sewage' means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

"(7) 'manufacturer' means any person engaged in the manufacturing, assembling, or importation of marine sanitation devices or of vessels subject to standards and regulations promulgated under this section;

"(8) 'person' means an individual, partnership, firm, corporation, or association, but does not include an individual on board a public vessel;

"(9) 'discharge' means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

"(b) As soon as possible after the enactment of this section, the Secretary, after consultation with the Secretary of the department in which the Coast Guard is operating, and after giving appropriate consideration to the economic costs involved, and within the limits of available technology, shall promulgate Federal standards of performance for marine sanitation devices (hereinafter in this section referred to as 'standards') which shall be designed to prevent the discharge of untreated or inadequately treated sewage into or upon the navigable waters of the United States from new vessels

and existing vessels, except vessels not equipped with installed toilet facilities. Such standards shall be consistent with maritime safety and the marine and navigation laws and regulations and shall be coordinated with the regulations issued under this subsection by the Secretary of the department in which the Coast Guard is operating. The Secretary of the department in which the Coast Guard is operating shall promulgate regulations, which are consistent with standards promulgated under this subsection and with maritime safety and the marine and navigation laws and regulations, governing the design, construction, installation, and operation of any marine sanitation device on board such vessels.

"(c)(1) Initial standards and regulations under this section shall become effective for new vessels two years after promulgation; but not earlier than December 31, 1971, and for existing vessels five years after promulgation. Revisions of standards and regulations shall be effective upon promulgation, unless another effective date is specified, except that no revision shall take effect before the effective date of the standard or regulation being revised.

"(2) The Secretary and the Secretary of the department in which the Coast Guard is operating with regard to their respective regulatory authority established by this section may distinguish among classes, types, and sizes of vessels as well as between new and existing vessels, and may

waive applicability of standards and regulations as necessary or appropriate for such classes, types, and sizes of vessels, and, upon application, for individual vessels.

"(d) The provisions of this section and the standards and regulations promulgated thereunder apply to vessels owned and operated by the United States unless the Secretary of Defense finds that compliance would not be in the interest of national security. With respect to vessels owned and operated by the Department of Defense, regulations under subsection (b) and certifications under subsection (g)(2) of this section shall be promulgated and issued by the Secretary of Defense and not by the Secretary of the department in which the Coast Guard is operating.

"(e) Before the standards and regulations under this section are promulgated, the Secretary and the Secretary of the department in which the Coast Guard is operating shall consult with the Secretary of State; the Secretary of Health, Education, and Welfare; the Secretary of Defense; the Secretary of the Treasury; the Secretary of Commerce; other interested Federal agencies; and the States and industries interested; and otherwise comply with the requirements of section 553 of title 5 of the United States Code.

"(f) After the effective date of the initial standards and regulations promulgated under this section, no State or political subdivision thereof shall adopt or enforce any statute

or regulation of such State or political subdivision with respect to the design, manufacture, or installation of any marine sanitation device on any vessel subject to the provisions of this section, except that nothing in this section shall be construed to affect or modify the authority or jurisdiction of any State to prohibit discharges of sewage whether treated or not from a vessel within all or part of the intrastate waters of such State if discharges from all other sources are likewise prohibited.

"(g)(1) No manufacturer of a marine sanitation device shall sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States for sale or resale any marine sanitation device manufactured after the effective date of the standards and regulations promulgated under this section unless such device is in all material respects substantially the same as a test device certified under this subsection.

"(2) Upon application of the manufacturer, the Secretary of the department in which the Coast Guard is operating shall so certify a marine sanitation device if he determines, in accordance with the provisions of this paragraph, that it meets the appropriate standards and regulations promulgated under this section. The Secretary of the department in which the Coast Guard is operating shall test or require such testing of the device in accordance with

procedures set forth by the Secretary as to standards of performance and for such other purposes as may be appropriate. If such results are in accordance with the appropriate performance standards promulgated under this section, and if the Secretary of the department in which the Coast Guard is operating determines that the device is satisfactory from the standpoint of safety and any other requirements of maritime law or regulation, and after consideration of the design, installation, operation, material, or other appropriate factors, he shall certify the device. Any device manufactured by such manufacturer which is in all material respects substantially the same as the certified test device shall be deemed to be in conformity with the appropriate standards and regulations established under this section.

"(3) Every manufacturer shall establish and maintain such records, make such reports, and provide such information as the Secretary or the Secretary of the department in which the Coast Guard is operating may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this section and regula-

acted or is acting in compliance with this section and regula-

tions issued thereunder and shall, upon request of an officer or employee duly designated by the Secretary or the Secretary of the department in which the Coast Guard is operating, permit such officer or employee at reasonable times to

have access to and copy such records. All information reported to, or otherwise obtained by, the Secretary or the Secretary of the department in which the Coast Guard is operating or their representatives pursuant to this subsection which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this section. This paragraph shall not apply in the case of the construction of a vessel by an individual for his own use.

"(h) After the effective date of standards and regulations promulgated under this section, it shall be unlawful—

"(1) for the manufacturer of any vessel subject to such standards and regulations to manufacture for sale, to sell or offer for sale, or to distribute for sale or resale any such vessel unless it is equipped with a marine sanitation device which is in all material respects substantially the same as the appropriate test device certified pursuant to this section;

"(2) for any person, prior to the sale or delivery of a vessel subject to such standards and regulations to the ultimate purchaser, wrongfully to remove or render inoperative any certified marine sanitation device or element of design of such device installed in such vessel;

"(3) for any person to fail or refuse to permit access to or copying of records or to fail to make reports or provide information required under this section; and

"(4) for a vessel subject to such standards and regulations to operate on the navigable waters of the United States, if such vessel is not equipped with an operable marine sanitation device certified pursuant to this section.

"(i) The district courts of the United States shall have jurisdictions to restrain violations of subsections (h)(1) through (3) of this section. Actions to restrain such violations shall be brought by, and in, the name of the United States. In case of contumacy or refusal to obey a subpena served upon any person under this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(j) Any person who violates clause (1) or (2) of subsection (h) of this section shall be liable to a civil penalty of not more than $5,000 for each violation. Any person who violates clause (4) of subsection (h) of this

section shall be liable to a civil penalty of not more than $2,000 for each violation. Each violation shall be a separate offense. The Secretary of the department in which the Coast Guard is operating may assess and compromise any such penalty. No penalty shall be assessed until the person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by said Secretary.

"(k) The provisions of this section shall be enforced by the Secretary of the department in which the Coast Guard is operating and he may utilize by agreement with or without reimbursement law enforcement officers or other personnel and facilities of the Secretary, other Federal agencies, or the State to carry out the provisions of this section.

"(l) Anyone authorized by the Secretary of the department in which the Coast Guard is operating to enforce the provisions of this section may, except as to public vessels, (1) board and inspect any vessel upon the navigable waters of the United States and (2) execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(m) In the case of Guam, actions arising under this

section may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions.

"AREA ACID AND OTHER MINE WATER POLLUTION CONTROL DEMONSTRATIONS

"SEC. 19. (a) The Secretary, in cooperation with other Federal agencies, is authorized to enter into agreements with any State or interstate agency to carry out one or more projects to demonstrate methods for the elimination or control, within all or part of a watershed, of acid or other mine water pollution resulting from active or abandoned mines. Such projects shall demonstrate the engineering and economic feasibility and practicality of various abatement techniques which will contribute substantially to effective and practical methods of acid or other mine water pollution elimination or control.

"(b) The Secretary, in selecting watersheds for the purposes of this section, shall (1) require such feasibility studies as he deems appropriate, (2) give preference to areas which have the greatest present or potential value for public use for recreation, fish and wildlife, water supply,

and other public uses, and (3) be satisfied that the project area will not be affected adversely by the influx of acid or other mine water pollution from nearby sources.

"(c) Federal participation in such projects shall be subject to the conditions—

"(1) that the State or interstate agency shall pay not less than 25 per centum of the actual project costs which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, personal property, or services, the value of which shall be determined by the Secretary; and

"(2) that the State or interstate agency shall provide legal and practical protection to the project area to insure against any activities which will cause future acid or other mine water pollution.

"(d) There is authorized to be appropriated $15,000,000 to carry out the provisions of this section, which sum shall be available until expended. No more than 25 per centum of the total funds appropriated under this section in any one year shall be granted to any one State.

"TRAINING GRANTS AND CONTRACTS

"SEC. 20. The Secretary is authorized to make grants to or contracts with institutions of higher education, or combinations of such institutions, to assist them in planning, de-

veloping, strengthening, improving, or carrying out programs or projects for the preparation of undergraduate students to enter an occupation which involves the design, operation, and maintenance of treatment works, and other facilities whose purpose is water quality control. Such grants or contracts may include payment of all or part of the cost of programs or projects such as—

"(A) planning for the development or expansion of programs or projects for training persons in the operation and maintenance of treatment works;

"(B) training and retraining of faculty members;

"(C) conduct of short-term or regular session institutes for study by persons engaged in, or preparing to engage in, the preparation of students preparing to enter an occupation involving the operation and maintenance of treatment works;

"(D) carrying out innovative and experimental programs of cooperative education involving alternate periods of full-time or part-time academic study at the institution and periods of full-time or part-time employment involving the operation and maintenance of treatment works; and

"(E) research into, and development of, methods of training students or faculty, including the preparation of teaching materials and the planning of curriculum.

"APPLICATION FOR TRAINING GRANT OR CONTRACT; ALLOCATION OF GRANTS OR CONTRACTS

"SEC. 21. (1) A grant or contract authorized by section 20 may be made only upon application to the Secretary at such time or times and containing such information as he may prescribe, except that no such application shall be approved unless it—

"(A) sets forth programs, activities, research, or development for which a grant is authorized under section 20, and describes the relation to any program set forth by the applicant in an application, if any, submitted pursuant to section 22;

"(B provides such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section; and

"(C) provides for making such reports, in such form and containing such information, as the Secretary may require to carry out his functions under this section, and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

"(2) The Secretary shall allocate grants or contracts under section 20 in such manner as will most nearly provide an equitable distribution of the grants or contracts through-

out the United States among institutions of higher education which show promise of being able to use funds effectively for the purposes of this section.

"(3)(A) Payment under this section may be used in accordance with regulations of the Secretary, and subject to the terms and conditions set forth in an application approved under subsection (a), to pay part of the compensation of students employed in connection with the operation and maintenance of treatment works, other than as an employee in connection with the operation and maintenance of treatment works, other than as an employee in any branch of the Government of the United States, as part of a program for which a grant has been approved pursuant to this section.

"(B) Departments and agencies of the United States are encouraged, to the extent consistent with efficient administration, to enter into arrangements with institutions of higher education for the full-time, part-time, or temporary employment, whether in the competitive or excepted service, of students enrolled in programs set forth in applications approved under subsection (a).

"AWARD OF SCHOLARSHIPS

"SEC. 22. (1) The Secretary is authorized to award scholarships in accordance with the provisions of this section for undergraduate study by persons who plan to enter an occupation involving the operation and maintenance of

treatment works. Such scholarships shall be awarded for such periods as the Secretary may determine but not to exceed four academic years.

"(2) The Secretary shall allocate scholarships under this section among institutions of higher education with programs approved under the provisions of this section for the use of individuals accepted into such programs, in such manner and according to such plan as will insofar as practicable—

"(A) provide an equitable distribution of such scholarships throughout the United States; and

"(B) attract recent graduates of secondary schools to enter an occupation involving the operation and maintenance of treatment works.

"(3) The Secretary shall approve a program of an institution of higher education for the purposes of this section only upon application by the institution and only upon his finding—

"(A) that such program has as a principal objective the education and training of persons in the operation and maintenance of treatment works;

"(B) that such program is in effect and of high quality, or can be readily put into effect and may reasonably be expected to be of high quality;

"(C) that the application describes the relation of

such program to any program, activity, research, or development set forth by the applicant in an application, if any, submitted pursuant to section 20 of this Act; and

"(D) that the application contains satisfactory assurances that (i) the institution will recommend to the Secretary for the award of scholarships under this section, for study in such program, only persons who have demonstrated to the satisfaction of the institution a serious intent, upon completing the program, to enter an occupation involving the operation and maintenance of treatment works, and (ii) the institution will make reasonable continuing efforts to encourage recipients of scholarships under this section, enrolled in such program, to enter occupations involving the operation and maintenance of treatment works upon completing the program.

"(4)(A) The Secretary shall pay to persons awarded scholarships under this section such stipends (including such allowances for subsistence and other expenses for such persons and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

"(B) The Secretary shall (in addition to the stipends paid to persons under subsection (a)) pay to the institution of higher education at which such person is pursuing his

course of study such amount as he may determine to be consistent with prevailing practices under comparable federally supported programs.

"(5) A person awarded a scholarship under the provisions of this section shall continue to receive the payments provided in this section only during such periods as the Secretary finds that he is maintaining satisfactory proficiency and devoting full time to study or research in the field in which such scholarship was awarded in an institution of higher education, and is not engaging in gainful employment other than employment approved by the Secretary by or pursuant to regulation.

"(6) The Secretary shall by regulation provide that any person awarded a scholarship under this section shall agree in writing to enter and remain in an occupation involving the design, operation, or maintenance of treatment works for such period after completion of his course of studies as the Secretary determines appropriate.

"DEFINITIONS

"SEC. 23. (1) As used in sections 20 through 23 of this Act—

"(A) The term 'State' includes the District of Columbia, Puerto Rico, the Canal Zone, Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

"(B) The term 'institution of higher education' means an educational institution described in the first sentence of section 1201 of the Higher Education Act of 1965 (other than an institution of any agency of the United States) which is accredited by a nationally recognized accrediting agency or assocation approved by the Secretary for this purpose. For purposes of this subsection, the Secretary shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

"(C) The term 'academic year' means an academic year or its equivalent, as determined by the Secretary.

"(2) The Secretary shall annually report his activities under sections 20 through 23 of this Act, including recommendations for needed revisions in the provisions thereof.

"(3) There are authorized to be appropriated $12,000,000 for the fiscal year ending June 30, 1970, $25,000,000 for the fiscal year ending June 30, 1971, and $25,000,000 for the fiscal year ending June 30, 1972, to carry out sections 20 through 23 of this Act (and planning and related activities in the initial fiscal year for such purpose). Funds appropriated for the fiscal year ending June 30, 1970, under authority of this subsection shall be available for obligation pursuant to the provisions of sections 20 through 23 of this Act during that year and the succeeding fiscal year."

SEC. 3. (a) Section 11 of the Federal Water Pollution Control Act, as amended, is amended to read as follows:

"COOPERATION BY ALL FEDERAL AGENCIES IN THE CONTROL OF POLLUTION

"SEC. 11. (a) Each Federal agency having jurisdiction over any real property or facility of any kind shall, within available appropriations and consistent with the interests of the United States, insure compliance with applicable water quality standards and the purposes of this Act in the administration of such property or facility. In his summary of any conference pursuant to section 10(d)(4) of this Act, the Secretary shall include references to any discharges allegedly contributing to pollution from any such Federal property or facility, and shall transmit a copy of such summary to the head of the Federal agency having jurisdiction of such property or facility. Notice of any hearing pursuant to section 10(f) of this Act involving any pollution alleged to be effected by any such discharges shall also be given to the Federal agency having jurisdiction over the property or facility involved, and the findings and recommendations of the hearing board conducting such hearing shall include references to any such discharges which are contributing to the pollution found by such board.

"(b) Any applicant for a Federal license or permit to conduct any activity which may result in discharges into the

navigable waters of the United States shall provide the licensing or permitting agency with certification from each affected State or interstate water pollution control agency that there is reasonable assurance, as determined by the State or interstate agency, that such activity will be conducted in a manner which will not reduce the quality of such waters below applicable water quality standards. In any case where such standards have been promulgated by the Secretary pursuant to section 10(c) of this Act, or where a State or interstate agency has no authority to give such a certification, such certification shall be from the Secretary. If an applicant for a Federal license or permit receives a certification under this subsection in connection with such application, then the Federal agency to whom such application is made, and any other Federal agency may accept such certification for the purposes of this subsection in connection with any other application made to it by such applicant for a license or permit, except that (1) if any affected State or the Secretary, if his certification is involved, after notice, which shall be given by such Federal agency, makes written objection, such certification may not be so accepted, and (2) this sentence shall not apply to any application for an operating license or permit. No license or permit shall be granted until such certification has been obtained. In any case where actual construction of a facility for the conduct

of any activity has been lawfully commenced prior to the date of enactment of the Water Quality Improvement Act of 1969, no certification shall be required under this subsection for a license or permit issued after the date of enactment of the Water Quality Improvement Act of 1969 to conduct such activity, except that any such license or permit issued without certification shall terminate at the end of the two-year period beginning on the date of enactment of the Water Quality Improvement Act of 1969 unless prior to such termination date the person having such license or permit submits to the Federal agency which issued such license or permit a certification which otherwise meets the requirements of this subsection. Such license or permit may be suspended if a court of competent jurisdiction finds that such licensee or permittee is not in compliance with applicable water quality standards. Nothing in this section shall be construed to limit any other authority pursuant to this Act or any other provision of State or Federal law to require compliance with applicable water quality standards. No Federal agency shall be deemed to be an applicant for the purposes of this subsection. The Secretary shall, upon the request of any State or Federal department or agency, provide any technical assistance to such department or agency for the purpose of carrying out this section."

SEC. 4. Section 5 of the Federal Water Pollution Control Act, as amended, is amended—

(1) by redesignating subsections (g) and (h) as (k) and (l), including all references thereto;

(2) by inserting after subsection (f) the following new subsections:

"(g) The Secretary is authorized to enter into contracts with, or make grants to, public or private agencies and organizations and individuals for the purpose of developing and demonstrating new or improved methods for the prevention, removal, and control of natural or manmade pollution in lakes, including the undesirable effects of nutrients and vegetation.

"(h) In carrying out the provisions of this section relating to the conduct by the Secretary of demonstration projects and the development of field laboratories and research facilities, the Secretary may acquire land and interests therein by purchase, with appropriated or donated funds, by donation, or by exchange for acquired or public lands under his jurisdiction which he classifies as suitable for disposition. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

"(i) The Secretary shall engage in such research,

studies, experiments, and demonstrations as he deems appropriate relative to the removal of oil from any waters and to the prevention and control of oil pollution, and shall publish from time to time the results of such activities. In carrying out this subsection, the Secretary may enter into contracts with, or make grants to, public or private organizations and individuals.

"(j) The Secretary shall engage in such research, studies, experiments, and demonstrations as he deems appropriate relative to equipment which is to be installed on board a vessel and is designed to receive, retain, treat, or discharge human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes with particular emphasis on equipment to be installed on small recreational vessels. The Secretary shall report to Congress the results of such research, studies, experiments, and demonstrations prior to the eflective date of any standards established under section 18 of this Act. In carrying out this subsection the Secretary may enter into contracts with, or make grants to, public or private organizations and individuals.";

(3) in redesignated subsection (k)(4) by striking out the words "and June 30, 1969," and inserting in lieu thereof "June 30, 1969, and June 30, 1970,"; and

(4) by amending the first sentence of redesignated subsection (l) by striking out "and $65,000,000 for the fiscal year ending June 30, 1969." and inserting in lieu thereof "and $65,000,000 per fiscal year for each of the fiscal years ending June 30, 1969, June 30, 1970, and June 30, 1971."

SEC. 5. Section 6(c) of the Federal Water Pollution Control Act (33 U.S.C. 466c–1) is amended as follows:

(1) Paragraph (1) is amended by striking out "three succeeding fiscal years" and inserting in lieu thereof "five succeeding fiscal years,".

(2) Paragraph (2) is amended by striking out "two succeeding fiscal years," and inserting in lieu thereof "four succeeding fiscal years,".

(3) Paragraph (3) is amended by striking out "two succeeding fiscal years," and inserting in lieu thereof "four succeeding fiscal years,".

SEC. 6. Section 14 of the Federal Water Pollution Control Act, as amended, is amended by deleting the following: "the Oil Pollution Act, 1924, or".

SEC. 7. The Oil Pollution Act, 1924 (43 Stat. 604), as amended (80 Stat. 1246–1252), is hereby repealed.

SEC. 8. (a) The first sentence of section 2 of the Federal Water Pollution Control Act (33 U.S.C. 466–1) is amended by striking out "Federal Water Pollution Control Adminis-

tration" and inserting in lieu thereof "National Water Quality Administration".

(b) Any other law, reorganization plan, regulation, map, document, record, or other paper of the United States in which the Federal Water Pollution Control Administration is referred to shall be held to refer to the National Water Quality Administration.

Union Calendar No. 35

91ST CONGRESS
1ST SESSION

H. R. 4148

[Report No. 91–127]

A BILL

To amend the Federal Water Pollution Control Act, as amended, and for other purposes.

By Mr. FALLON

JANUARY 23, 1969
Referred to the Committee on Public Works

MARCH 25, 1969
Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

HOUSE Mar. 26/69

12. INFORMATION. Sen. Scott inserted an article commending the record of Herb Klein as communications director of the executive branch. pp. S3271-2

13. PERSONNEL. Sens. Curtis and Hruska spoke in favor of S. 1538, to abolish the Commission on Executive, Legislative, and Judicial Salaries. pp. S3297-8

HOUSE

14. SPENDING; TAXATION. Both Houses received the President's message expressing an intention to combat inflation by reducing spending and maintaining revenues, combined with extension of the 10% income tax surcharge for another year and postponement of reductions in telephone and auto txcise taxes; to Senate Appropriations and Finance Committees, and House Ways and Means Committee. Reps. Gerald R. Ford and Vanik discussed the message. pp. H2221-2, S3195-6

15. WATER POLLUTION. The Rules Committee reported a resolution for the consideration of H. R. 4148, to amend the Federal Water Pollution Control Act. p. H2291

16. TRAVEL. Passed as reported H. R. 337, to increase the maximum travel allowance for Government employees on official business "from $16 to $22 per day and maximum actual expenses within the United States from $30 to $35 per day, and outside the United States, from the $10 added to the per diem to $15 added to the per diem for the country involved." pp.H2226-30

17. COMMITTEES. Agreed to several committee funding resolutions. pp. H2224-6

18. MARINE RESOURCES. The Merchant Marine and Fisheries Committee reported H. R. 8794, to amend the Marine Resources and Engineering Development Act of 1966 to continue the National Council on Marine Resources and Engineering Development (H. Rept. 91-139). p. H2291

19. EDUCATION. Received from the President the report for fiscal year 1968 on the international educational and cultural exchange program conducted under the Mutual Educational and Cultural Exchange Act of 1961. p. H2221

20. ECONOMIC REPORT. The "Daily Digest" states that the Joint Economic Committee approved its annual report on the President's Economic Report. p. D233

21. ELECTION. Reps. Albert, Fulton, Tenn., and Blanton commended the election of Edward Jones to represent the Eighth Congressional District of Tenn. in Congress. Rep. Albert stated that Rep. Jones is a "farmer and former State commissioner of agriculture." pp. H2222-3

22. TAXATION. Rep. Karth proposed that Congress "let the surtax expire and obtain the $9 billion in revenues which the surtax is expected to raise, by closing those tax loopholes for individuals and corporations who are profiting unduly at the expense of our overheated war economy." p. H2237
Rep. Madden inserted his testimony on "much-needed Federal tax reform legislation." pp. H2237-8

23. OCEAN RESEARCH. Rep. Fascell called attention to the fifth annual conference and exposition of the Marine Technology Society June 16-19 and stated the seas offer a bonanza of food and mineral wealth. pp. H2284-5

24. GRAZING FEES. Received an Oregon Legislature resolution memorializing this Department to "refrain from implementing the recently proposed increase in fees of grazing on public land." p. H2293

EXTENSION OF REMARKS

25. PUBLIC WORKS. Reps. Ford and Edmondson discussed the pros and cons of a reported moratorium on public works. pp. E2375-6

26. WHEAT. Rep. Sebelius inserted the remarks of the president of Great Plains Whea Inc., on "new barriers" the wheat industry is facing this year. pp. E2387-8
Rep. Foley inserted remarks of the president of the Western Wheat Associates, USA, Inc., emphasizing importance of a wheat marketing development program. pp. E2444-5

27. REORGANIZATION. Rep. Rumsfeld inserted an article outlining the possible development of computer-based information techniques for the Congress and the President. pp. E2422-6

28. CCC SUPPLEMENTAL; FOREIGN TRADE. Speech in the House by Rep. Neal Smith, Ia., stating that the supplemental appropriations request for CCC should draw attention to the importance of world trade in agricultural commodities. pp. E2374-5
Rep. Zwach expressed his support for this appropriation. pp. E2391-2

29. FLOOD CONTROL. Rep. Burke, Mass., stated need of coordinated effort on the part of Federal, State, and local governments is very clear. pp. E2397-8

30. HOUSING; NEW CITIES. Rep. Rees inserted an article, "New Cities for America." pp. E2402-4

31. GRAZING FEES. Rep. Ullman inserted an Oregon State resolution asking for a delay in the proposed grazing fees increase. pp. E2404-5

32. SMALL BUSINESS. Rep. Philbia stated that he is "very much disturbed about the sharp cuts in the budget of Small Business Administration." pp. E2421-2

33. WILDLIFE. Rep. Dingell inserted Rep. Ottinger's speech in which he called for the creation of a Federal "environmental ombudsman." pp. E2428-30

34. MANPOWER. Rep. Steiger, Wisc., commended Secretary of Labor Schultz on his reorganization of the Manpower Administration and inserted an article, "GOP Reorganizers Off To a Start." pp. E2447-8

BILLS INTRODUCED

35. TAXATION. H. R. 9523 by Rep. Culver, to amend the Internal Revenue Code of 1954 to liberalize the minimum standard deduction; to the Ways and Means Committee.

91st Congress } HOUSE OF REPRESENTATIVES { Report
1st Session } { No. 91–140

CONSIDERATION OF H.R. 4148

March 26, 1969.—Referred to the House Calendar and ordered to be printed

Mr. Bolling, from the Committee on Rules, submitted the following

REPORT

[To accompany H. Res. 340]

The Committee on Rules, having had under consideration House Resolution 340, report the same to the House with the recommendation that the resolution do pass.

House Calendar No. 26

91ST CONGRESS
1ST SESSION

H. RES. 340

[Report No. 91–140]

IN THE HOUSE OF REPRESENTATIVES

MARCH 26, 1969

MR. BOLLING, from the Committee on Rules, reported the following resolution; which was referred to the House Calendar and ordered to be printed

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RESOLUTION

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4148) to amend the Federal Water Pollution Control Act, as amended, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any point of order the amendment in the nature of a substitute

recommended by the Committee on Public Works now printed in the bill, and such substitute for the purpose of amendment shall be considered under the five-minute rule as an original bill. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

H. RES. 340

RESOLUTION

House Calendar No. 26

91ST CONGRESS
1ST SESSION

H. RES. 340

[Report No. 91–140]

RESOLUTION

Providing for the consideration of the bill (H.R. 4148) to amend the Federal Water Pollution Control Act, as amended, and for other purposes.

By Mr. BOLLING

MARCH 26, 1969

Referred to the House Calendar and ordered to be printed

14. WATER POLLUTION. Began debate on H. R. 4148, to amend the Federal Water Pollution Control Act. Rep. Smith, Calif., stated "the purpose of the bill is to improve the means available to control pollution of off shore waters and rivers of the United States. Major sections of the bill seek to control such sources of pollution as, first, oil and other sea-carried pollutants; second, sewage from vessels; third, acid and other pollutants from mines; and, fourth, pollution from any federally operated source. Additionally, the bill provides for research grants and a scholarship program for students, both programs to be administered by the Secretary of the Interior." pp. H2598-634, H2658-9.

15. EDUCATION. The Rules Committee reported a resolution for consideration of H. R. 514, to extend programs of assistance for elementary and secondary education. This bill includes assistance to rural areas and aid to federally impacted areas. p. H2679.

Rep. Bingham asked that the President announce his opposition to any amendment exempting programs under the Elementary and Secondary Education Act from title VI of the Civil Rights Act. pp. H2658-9.

16. INFORMATION. Rep. Moss inserted an exchange of correspondence between the President and himself concerning the availability of executive branch information to the Congress. pp. H2634-5.

17. DOMESTIC PROGRAMS; BUDGET. Rep. Podell expressed the hope that the omission from the budget of new funds to start construction of an SST prototype would open the way for restoration of cuts made in funds to fight water pollution, federal aid to education and the Job Corps. p. H2662.

Rep. Bow commended the "$4 billion budget cuts proposed by the President." pp. H2663-4.

Rep. Bennett commended the President's recommendation for "a program of tax credits, designed to provide new incentives for the enlistment of additional private resources in meeting our urgent social needs." p. H2637.

Rep. Monagan inserted his statement on the "two principal domestic issues facing the 91st Congress...The need for a more equitable tax structure;... The need for better regulation of government spending." pp. H2677-8

18. TARIFF. The Ways and Means Committee voted to report (but did not actually report) H.R. 2718, amended, to extend for an additional temporary period the suspension of duties on certain classifications of yarn of silk; H.R. 4229, amended, to continue for a temporary period the existing suspension of duty on heptanoic acid; H.R. 5833, to continue until the close of June 30, 1972, the existing suspension of duty on certain copying shoe lathes; H.R. 8644, to make permanent the existing temporary suspension of duty on crude chicory roots; H.R. 10015, amended, to continue the suspension of duty on electrodes for use in producing aluminum; H.R. 10016, to continue for 2 years the existing suspension of duties on metal scrap; H.R. 4239, amended, to amend the Tariff Schedules of the U.S. so as to prevent payment of multiple customs duties by U.S. owners of racehorses purchased outside the U.S.; and H.R. 7311, amended, to amend the Tariff Schedules of the U.S. to provide that the rate of duty on parts of stethoscopes shall be the same as the rate on stethoscopes. p. D269.

a petition may be filed in her behalf by Mrs. Edith Fukunaga, a citizen of the United States, pursuant to section 204 of the Act: *Provided*, That no brothers or sisters of the beneficiary shall thereafter, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Mr. MATSUNAGA. Mr. Speaker, I rise in support of H.R. 5067, a private bill which would facilitate the admission into the United States of the prospective adoptive child of a citizen of the United States. Yuka Awamura, the beneficiary is a female 2-year-old native and citizen of Japan. Mrs. Edith Fukunaga, the adoptive mother, was born in Hawaii, and is now 47 years of age. She has been a widow since 1959, but for a period of 2 or 3 years prior to her husband's death the couple, being childless, had taken active steps to adopt a child from Japan.

The beneficiary was born out of wedlock. The alleged father, who was married since before the child's birth, has never admitted paternity, and the natural mother abandoned the child at birth. The natural mother reportedly married when the beneficiary was about 16 months old, and now lives at some distance from Hiroshima, Japan, where the child is temporarily living with the retired director of a social welfare organization and his wife. The adoptive mother first saw the child in an orphanage in Hiroshima and immediately took appropriate steps to adopt the child. The natural mother has released the child for emigration and adoption.

Under the laws of the State of Hawaii, where the adoption proceedings will be instituted, a widow, if otherwise qualified, is eligible to be an adoptive parent.

Mrs. Fukunaga, the adoptive mother, is financially able to give the child a good home and a good education. She earns approximately $9,000 per annum as the secretary-treasurer and office manager of a Honolulu corporation, and receives an additional $5,000 to $6,000 per annum from dividends, rentals and joint venture distributions. She and her mother-in-law live in a jointly owned five-bedroom house, valued at $90,000, in one of the better residential areas of Honolulu. The adoptive mother has other assets, consisting of real estate investments, savings deposits, stocks and bonds and other personal property, exceeding the total amount of $85,000. Her mother-in-law has an independent income of about $10,000 per year. Both ladies are very anxious to have the child admitted to the United States so she can be adopted by the younger Mrs. Fukunaga.

Mr. Speaker, it is clear that the beneficiary, if admitted under the provisions of this bill, will be brought into a very comfortable home by American standards and given the love and care of which she has been deprived because of the circumstances of her birth. She will be given a good education and will be brought up as a good American.

I therefore urge, very strongly, a favorable vote for this bill.

The Senate in the closing weeks of the 90th Congress, and again in the opening weeks of the 91st Congress, passed this legislation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PAGONA ANOMERIANAKI

The Clerk called the bill (H.R. 5133) for the relief of Pagona Anomerianaki.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

MISS ELIZABETH SCHOFIELD

The Clerk called the bill (H.R. 5134) for the relief of Miss Elizabeth Schofield.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

GEORGE TILSON WEED

The Clerk called the bill (H.R. 5136) for the relief of George Tilson Weed.

There being no objection, the Clerk read the bill, as follows:

H.R. 5136

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, George Tilson Weed shall be held and considered to have complied with the provisions of section 316 of that Act as they relate to residence and physical presence.

The bill was ordered to be engrossed and read a third time, was read the third time, passed, and a motion to reconsider was laid on the table.

CONFER U.S. CITIZENSHIP POSTHUMOUSLY UPON SP4C KLAUS JOSEF STRAUSS

The Clerk called the bill (H.R. 6607) to confer U.S. citizenship posthumously upon Sp4c. Klaus Josef Strauss.

There being no objection, the Clerk read the bill, as follows:

H.R. 6607

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Specialist Four Klaus Josef Strauss, a native of Germany, who served honorably in the United States Army from November 15, 1966, until his death on February 8, 1968, shall be held and considered to have been a citizen of the United States at the time of his death.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CHARLES RICHARD SCOTT

The Clerk called the bill (H.R. 7160) for the relief of Charles Richard Scott.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent that a similar Senate bill (S. 672) be considered in lieu of the House bill.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There being no objection, the Clerk read the Senate bill, as follows:

S. 672

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, section 204(c), relating to the number of petitions which may be approved in behalf of adopted children, shall be inapplicable in the case of a petition filed in behalf of Charles Richard Scott by Mr. and Mrs. Denny F. Scott, citizens of the United States: *Provided*, That no brothers or sisters of the beneficiary shall thereafter, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 7160) was laid on the table.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that further call of the Private Calendar be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CALL OF THE HOUSE

Mr. COLLIER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 35]

Bates	Garmatz	Morton
Bell, Calif.	Gibbons	Murphy, N.Y.
Betts	Green, Oreg.	O'Konski
Brock	Gubser	O'Neal, Ga.
Carey	Halpern	Pelly
Chamberlain	Hanna	Powell
Chisholm	Hansen, Wash.	Purcell
Clark	Hastings	Rostenkowski
Clay	Hathaway	Sandman
Cunningham	Hébert	Schadeberg
Dawson	Kirwan	Scheuer
Dwyer	Landrum	Sisk
Edwards, La.	Long, La.	Teague, Tex.
Foley	Lukens	Tunney
Fraser	Mann	Watkins
Frelinghuysen	May	Wilson, Bob
Fuqua	Moffett	

The SPEAKER pro tempore (Mr. ALBERT). On this rollcall 382 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PERMISSION FOR COMMITTEE ON RULES TO FILE REPORTS

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight to file certain privileged reports.

The SPEAKER pro tempore (Mr. ALBERT). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

WATER QUALITY IMPROVEMENT ACT OF 1969

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 340 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 340

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4148) to amend the Federal Water Pollution Control Act, as amended, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any point of order the amendment in the nature of a substitute recommended by the Committee on Public Works now printed in the bill, and such substitute for the purpose of amendment shall be considered under the five-minute rule as an original bill. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH) and, pending that, I yield myself such time as I may consume.

(Mr. BOLLING asked and was given permission to revise and extend his remarks.)

Mr. BOLLING. Mr. Speaker, when this rule was considered in the Committee on Rules there was some controversy over the jurisdiction between the committee handling the bill and the Committee on Merchant Marine and Fisheries. The Committee on Rules overwhelmingly decided that the bill should be sent to the floor with the rule that has just been read.

Mr. Speaker, points of order were waived on the bill as a whole because there are some transfer funds, and the establishment of a revolving fund—not transfer of funds, but payment of cash is authorized in the acquisition of land, and that is the reason for the waiver of points of order.

Insofar as I know, there is no substantial controversy over the rule. I understand there is some on the bill itself, but not too much.

Therefore, Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

(Mr. SMITH of California asked and was given permission to revise and extend his remarks.)

Mr. SMITH of California. Mr. Speaker, as stated by the distinguished gentleman from Missouri, House Resolution 340 does provide for 3 hours of debate under an open rule for consideration of the bill H.R. 4148, entitled "The Water Quality Improvement Act of 1969."

Points of order are waived as against the substitute bill, and the committee amendments.

Mr. Speaker, the purpose of the bill is to improve the means available to control pollution of offshore waters and rivers of the United States. Major sections of the bill seek to control such sources of pollution as, first, oil and other sea-carried pollutants; second, sewage from vessels; third, acid and other pollutants from mines; and, fourth, pollution from any federally operated source. Additionally, the bill provides for research grants and a scholarship program for students, both programs to be administered by the Secretary of the Interior.

The bill applies to oil discharges on the high seas in the contiguous zone along our coastline. Such discharges are forbidden except in emergency situations. Civil penalties of up to $10,000 for an oil discharge are provided. Operators of facilities or ships are required to remove any discharge of oil or other pollutants. If the United States must do the removal work, the cost shall be borne by the polluter up to $10 million or $100 per gross registered ton—of ships—whichever is the lesser. The bill also sets up a revolving fund of $20,000,000 for use in cleanups. The effort is to place responsibility for damage done by discharges of oil or other pollutants by ships or shore-area facilities upon the owners and operators, and to require them to be primarily responsible for necessary cleanup operations.

The bill also seeks to remove pollutants discharged into the water in the form of raw sewage from vessels. The Coast Guard will oversee a program designed to insure that such raw sewage is treated before discharging it. New vessels are to have approved toilet facilities installed by December 31, 1971, or within 2 years of the time the Coast Guard promulgates standards and regulations. For existing vessels the time period is set at within 5 years after such promulgation. The States will be brought into the program with respect to their intrastate waters.

After the effective dates of the standards set by the Coast Guard, it shall be unlawful to operate a vessel which does not comply. These regulations will apply to pleasure boats as well as commercial vessels, in short, any vessel which has toilet facilities will be required to treat its raw sewage before discharging it into the water. Civil penalties are provided for violations and in proper cases injunctive relief may be sought.

The Secretary is also authorized to make grants to universities for research and for planning and developing of training for students in the field of design and operation of waste treatment works. He may also provide scholarship grants. Authorizations for educational grants are $12,000,000 for 1970 and for 1971 and 1972 the figure is $25,000,000 per annum.

Finally, the bill provides for research in a number of water quality problems. The current level of funding is extended for two additional years, through fiscal 1971. Funding levels authorized are $65,000,000 per annum. Areas in which research work is to be continued include: First, prevention, removal and control of lake pollution; second, prevention of oil pollution; third, research into prevention of pollution discharges from recreational vessels and the development of treatment facilities for such craft; and, fourth, funding for appropriate demonstration projects.

Total authorizations contained in the bill are $348,000,000 covering fiscal years 1970 through 1972. Major items include:

	Millions
General research and development of treatment facilities	$130
Demonstration projects and development	120
Training grants	62
Clean-up revolving fund	20

There are no minority views.

Mr. Speaker, I urge adoption of the rule.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. FALLON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4148) to amend the Federal Water Pollution Control Act, as amended, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 4148, with Mr. SMITH of Iowa in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with .

The CHAIRMAN. Under the rule, the gentleman from Maryland (Mr. FALLON) will be recognized for 1½ hours, and the gentleman from Florida (Mr. CRAMER) will be recognized for 1½ hours.

The Chair recognizes the gentleman from Maryland (Mr. FALLON).

(Mr. FALLON asked and was given permission to revise and extend his remarks.)

Mr. FALLON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 4148, the Water Quality Improvement Act of 1969, has been developed after extensive hearings by the Committee on Public Works, both here in Washington and in Santa Barbara, Calif., and is the culmination of the consideration given by this body and the Public Works Committee during the 90th

Congress. H.R. 4148 was reported out unanimously by the committee.

The legislation covers discharges of oil and other hazardous substances from vessels and onshore and offshore facilities, including the cleanup of these discharges and the prevention thereof, the control of untreated or inadequately treated sewage from vessels, the extension of the research, development, and training program of the Federal Water Pollution Control Administration, the effect of Federal activities and federally licensed or permitted activities on our Nation's waters, and establishes a new training program designed to provide more efficient waste treatment works, both at the municipal and industrial level. Finally, the legislation would change the name of the Federal Water Pollution Control Administration to the National Water Quality Administration in order to provide a more positive emphasis to the program.

It is clear that the need for this legislation is quite urgent. The history of oil spills dating back to the one we all remember; namely, the *Torrey Canyon* off the coast of England, the *Ocean Eagle* in the San Juan Harbor, P.R., and the disastrous oil spill off the Santa Barbara coast, only serve to demonstrate that unless action is taken immediately to provide the tools necessary to cope with these spills more of our coastline beaches and marine resources could be destroyed or severely damaged. The public outcry that has developed in the past year in connection with these spills shows that there is considerable interest throughout the country in this legislation.

In addition to the more dramatic aspects of this legislation; namely, those relating to oil spills, there is also a very definite need to improve, accelerate, and expand our research and demonstration and training efforts in the water pollution control area and to control sewage that is discharged from both commercial and recreational vessels into our Nation's waterways. This legislation meets these needs.

In the area of financing of waste treatment works, we are most concerned with the fact that to date this program has not been adequately financed despite the Congress' considerable efforts in 1966 and subsequent years to establish a graduated and meaningful level of financing the Federal share of these works. We are hopeful that recommendations will be made by the executive branch to increase the financing in the forthcoming fiscal year through additional appropriations over and above the meager amounts appropriated during the last Congress. If, however, this cannot be accomplished, the Committee on Public Works will consider alternative legislative approaches during this session of the 91st Congress.

Mr. Chairman, I urge unanimous approval of this important and far-reaching Water Quality Improvement Act of 1969. It is a major conservation measure that deserves the support of every Member of Congress.

Let me conclude by paying tribute to the members of the Committee on Public Works, my colleagues who have worked so diligently, so hard and so long on this legislation which is before us today. I would particularly commend the ranking minority member of the committee, and one of the leaders in the field of water pollution control, my good friend from Minnesota, the Honorable JOHN A. BLATNIK, and all the other members of the committee on both sides of the aisle.

Mr. Chairman, I urge passage of H.R. 4148.

Mr. FALLON. Mr. Chairman, I yield to the gentleman from Minnesota (Mr. BLATNIK), chairman of the subcommittee handling this legislation, as much time as he may require.

(Mr. BLATNIK asked and was given permission to revise and extend his remarks.)

Mr. BLATNIK. Mr. Chairman, at the outset on behalf of the entire committee, I would like to pay our respects to our able and effective and certainly highly regarded chairman, the gentleman from Maryland (Mr. FALLON). He worked diligently with all of us every step of the way, and we therefore doubly appreciate the kind words he said about those of us who worked on the development of this legislation. Many of us, on both sides of the aisle, joined together to resolve the problems so that we could present a strong and workable proposal. A tremendous amount of frustrating day-in and day-out work was handled with talent and patience by both the majority and the minority staffs. In our meetings we had the benefit of experience and advice from representatives of the Federal Water Pollution Control Administration, the Coast Guard, and the State Department, as well as constant contact with the various State agencies and conservationists.

Mr. Chairman, very thoughtful care has gone into this very complicated and involved matter, and particularly that section dealing with enormous catastrophic oil spills where the complex problems of liability and responsibility, as well as preventive aspects, are involved. We have also evolved recommendations on what can be done when these catastrophies do occur, in spite of whatever preventive measures were pursued. That remedial work, which is inevitably a laborious and extensive job, will be explained in more detail by the gentleman from Texas (Mr. WRIGHT) and the gentleman from New Jersey (Mr. HOWARD), both of whom have devoted long hours to this legislation.

We will also hear from good spokesmen for the minority on this program. Their unanimous work and support have continued the genuine bipartisanship that has characterized our pollution control work over the years.

The Committee on Public Works had extensive hearings on this legislation starting in the 90th Congress and continuing in the 91st Congress in February and March of this year.

During the 90th Congress, the committee considered legislation on the control of oil pollution discharges, the treatment of sewage from vessels, the extension and expansion of the vital water pollution research programs, and legislation to provide more money for the financing of needed waste treatment works. The committee reported out strong legislation in all of these areas, and that legislation unanimously passed the House of Representatives on two occasions but unfortunately the time ran out on the 90th Congress before differences in the House and Senate versions could be resolved in conference.

Since last year the need for this legislation, particularly in the area of oil pollution control, has been dramatically brought to the attention of the Congress and into the public eye by one of the worst oil pollution disasters in the Nation's history. The catastrophe in Santa Barbara, Calif., was a realistic example of the damages which can result from a major oil spill.

It was the committee's objective in our hearings and in our discussions leading up to the reporting of this legislation to recommend legislation which would adequately meet all contingencies and avoid the need for additional legislation if and when a new disaster occurs. In pursuit of this objective, we obtained meaningful data from industry and governmental witnesses on the best means and methods of preventing discharges of oil and other hazardous matter, the costs of removing these pollutants from our waters, beaches and shores when they occur, the availability of insurance and its costs, and the extent to which measures and devices have been developed to remove oil and matter.

In addition to the oil pollution problem, this legislation extends the water pollution research program authorization 2 additional years, provides new emphasis on the problems of acid mine drainage water pollution, and lake eutrophication and related lake pollution problems.

H.R. 4148 further provides for control of sewage from vessels, establishes a training program for individuals in the field of design, operation, and maintenance of modern waste treatment works, and requires applicants for a Federal license or permit to conduct an activity which may result in discharge into the navigable waters of the United States to obtain a State certification that the activity will not reduce the quality of the water below applicable water quality standards. Finally, this legislation changes the name of the Federal Water Pollution Control Administration to the National Water Quality Administration so as to provide a psychological lift to the program by providing a more positive approach through preventive measures to maintain adequate water quality levels.

This legislation has been endorsed by the administration. We have received a letter dated April 3, 1969, from Russell E. Train, the Undersecretary of the Interior, to the chairman of the Public Works Committee, the Honorable GEORGE H. FALLON. Under leave to extend my remarks, I include a copy of the letter at this point:

DEAR MR. CHAIRMAN: Your Committee has requested the Department's views on H.R. 4158 as reported by your Committee on March 25, 1969.

H.R. 4148, which is known as the Water Quality Improvement Act of 1969, covers the subjects of oil and matter discharges from vessels, onshore facilities, and offshore facilities; untreated or inadequately treated sewage from vessels; research and development

in the area of acid mine pollution, lake pollution, oil pollution, and sewage from vessels; pollution from Federal installations and facilities; and waste discharges from activities constructed and operated under Federal license or permit. It also extends the research provisions of the Federal Water Pollution Control Act an additional 2 fiscal years, and changes the name of the Federal Water Pollution Control Administration to the National Water Quality Administration.

In regard to the provisions on the control of pollution by oil and other matter, the legislation would—

Provide that any individual in charge of a vessel or onshore or offshore facility who has knowledge of the discharge of oil or matter from such facility or vessel must immediately notify the Secretary of the Interior or the Coast Guard of the discharge so that appropriate steps may be taken to remove the discharged oil or matter. Failure to notify could result in a criminal penalty;

Prohibit the discharge of oil or matter from a vessel into the navigable waters of the United States or into the waters of the Contiguous Zone, except under certain limited conditions such as emergencies affecting the life of individuals, or acts of war or sabotage, or unavoidable accidents, collisions, or strandings;

Provide a civil penalty of up to $10,000 in cases of willful or negligent discharges of oil or matter in substantial quantities in violation of the above prohibition. This penalty would be assessed by the Coast Guard after notice and an opportunity for a hearing. We note that the term "substantial quantities" is discussed in the Committee report. The report indicates that it will need interpretation in its application in specific situations;

Define the term "matter" to include all substances other than oil, dredged spoil, sewage, and certain materials now covered by the Atomic Energy Act. In defining this term, the bill leaves it up to the Secretary of the Interior to determine what matter would present an imminent and substantial hazard to the public health or welfare including fish, shellfish, wildlife, and public and private lands. We also note that the Committee report indicates that the Secretary of the Interior would have to issue regulations from time to time establishing what items might be considered substances that would be subject to the provisions of this Act;

Authorize the United States to clean up discharges of oil or matter when the Secretary of the Interior determines that there is an actual or threatened pollution hazard unless other adequate arrangements for removal of these discharges have taken place. We interpret the latter provision to mean that the United States would have to be satisfied that the arrangements made by the owner or operator of a vessel or a person owning or operating an onshore or offshore facility are adequate within the regulations prescribed under this section to insure that the removal will be carried out expeditiously and in a manner that would not be harmful to marine resources and other property. If they were not adequate, in the judgment of the United States, then the United States could act to remove the oil or matter and later recover its costs.

Authorize the United States to remove summarily and, where necessary, destroy any vessel that presents a substantial threat of pollution in the navigable waters of the United States because of an actual discharge or the imminence of a threatened discharge of large quantities of oil or matter. The expense of removing a vessel would be charged against the vessel, its cargo, and the owner or operator of the vessel where the negligent operation of the vessel caused or contributed to the marine disaster;

Require that the owner or operator of a vessel remove any oil or matter discharged into the navigable waters of the United States or into the waters of the Contiguous Zone where the discharge was due to some willful or negligent act. In cases where the United States removes such discharges, the owner or operator would be liable to the United States for the cost thereof up to a maximum of $10 million or $100 per gross registered ton, whichever is less;

Provide a similar requirement in the case of onshore facilities and offshore facilities located within the territorial sea of the United States, except that the limitation of liability where the United States removes the discharges of oil would be $8 million. It also provides that the Secretary of the Interior would establish by regulation classifications of onshore facilities and activities which would be subject to the $8 million limitation and possibly establish differing limitations of liability with respect to these classifications. This classification authority would not become effective, however, until the Secretary notified the Congress of the intended classifications and allowed at least 60 days before the effective date of the classifications;

Authorize the issuance of regulations by both the Secretary of the Interior and the Coast Guard relative to removal of discharged oil or matter and provide civil penalties for violations of the regulations;

Establish a revolving fund to be administered by the Coast Guard and authorize a maximum appropriation of $20 million to the fund in addition to other revenues for the clean up of discharges and provide for delegation by the President of the authority to clean up discharges of oil or matter; and

Provide for the establishment of a system of financial responsibility for vessels over 100 gross registered tons, including any barge of equivalent size, that use our navigable waters or ports. The financial responsibility provisions would be effective one year after enactment and would apply to the liability to the United States for the removal of oil or matter discharges.

The oil and matter provisions of the legislation make it clear that the legislation is not intended to affect the authority of the States to establish different requirements or limitations of liability, nor does this legislation affect the rights of third parties who might bring actions to recover damages resulting from the discharge of oil or matter or from the removal of such discharges. In addition, the bill does not cover the discharges of offshore facilities located on the Outer Continental Shelf. The Committee report indicates that this omission results from the fact that this Department advised your Committee that we believe we have adequate authority to require Federal lessees on the Outer Continental Shelf to remove discharged oil and to pay the United States for any cost it may incur in the removal of the discharge without any dollar limitations or findings of fault.

In addition to the oil provisions, the legislation would provide for the establishment of standards of performance in connection with marine sanitation devices and the establishment of regulations by the Coast Guard relative to the operation, maintenance, and installation of these devices. The devices would have to be installed on both commercial and recreational vessels with installed toilet facilities using United States waterways once the standards and regulations were effective. The bill also provides a system of certification by the Coast Guard of the device and establishes a pre-emption of State laws and regulations once the Federal standards and regulations are effective. It, however, permits the States to prohibit all discharges in intrastate waters if the States also prohibit discharges from other sources in those waters. As in the oil provisions, the bill provides for civil penalties for violations specified in the legislation.

The bill would provide that any applicant, other than a Federal agency, seeking a Federal license or permit must obtain certification from any affected State or interstate agency that the discharge from the applicant's activity for which he seeks a license or permit will be conducted in a manner that will not reduce the quality of the waters below the applicable Federal, State, or local water quality standards. In cases where a State lacks authority to give such certification or where the Secretary of the Interior has established the water quality standards under the Water Quality Act of 1965, then the Secretary would provide such certification. In cases where a license or permit has been given by a Federal agency for an activity that is under construction prior to the date of enactment of this legislation, no certification will be required, but the license or permit issued without the certification will terminate after the expiration of 2 years after enactment unless the licensee or permittee obtains the proper certification. No Federal permit or license can be issued where it is required under this legislation until the certification is obtained.

The bill would provide additional authority for training individuals in the field of design, operation, and maintenance of waste treatment works.

The bill would also extend the present research and demonstration provisions of the Federal Water Pollution Control Act an additional 2 fiscal years at the current annual level of appropriation authorization. This appropriation authorization will expire on June 30, 1969, and an extension is urgently needed.

Lastly, the bill would change the name of the Federal Water Pollution Control Administration to the National Water Quality Administration. The objective of this change is to provide a more positive emphasis to the program.

On the basis of our review of the reported bill, we conclude that the legislation follows, in general, the recommendations made by the Secretary in his testimony before your Committee. In particular, it carries out the Administration's recommendation relative to the division of responsibility for enforcement, cleanup, and other matters between this Department and the Department of Transportation in the oil and sewage sections of the reported bill. While we may have some specific recommendations on the bill for the Senate Committee, once it passes the House of Representatives, we are able at this time to recommend its passage by the House of Representatives.

The Bureau of the Budget advises that they have no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

RUSSELL E. TRAIN,
Under Secretary of the Interior.

However, I would like to quote one paragraph of the letter:

On the basis of our review of the reported bill, we conclude that the legislation follows, in general, the recommendations made by the Secretary in his testimony before your Committee. In particular, it carries out the Administration's recommendation relative to the division of responsibility for enforcement, cleanup, and other matters between this Department and the Department of Transportation in the oil and sewage sections of the reported bill. While we may have some specific recommendations on the bill for the Senate Committee, once it passes the House of Representatives, we are able at this time to recommend its passage by the House of Representatives.

I would be remiss in these opening comments if I did not pay proper commendation to my colleagues on the Committee on Public Works who have labored

hard and long this year to bring this excellent legislation before you. In addition to the effective leadership, encouragement, and support of the gentleman from Maryland (Mr. FALLON), the chairman of the House Committee on Public Works, splendid contributions were made by such outstanding colleagues and workers in the field of water quality as BOB JONES, of Alabama; JIM WRIGHT, of Texas, ED EDMONDSON, of Oklahoma; and JIM HOWARD, of New Jersey, each of whom will explain in detail a portion of this legislation, and all my colleagues on the committee on both sides of the aisle.

At this point I submit for the RECORD a brief synopsis of the highlights of H.R. 4148.

SYNOPSIS OF H.R. 4148

A. In the area of oil and other hazardous pollution, the bill would:

Apply to discharges of oil and matter into the navigable waters, the contiguous zone, and the high seas from vessels and onshore and offshore facilities (see definition p. 38).

Provide for notice of all discharges by individuals in charges of vessel or onshore or offshore facility to either the Secretary of the Interior or the Coast Guard (see Section 17 (b), p. 4).

Prohibit oil and matter discharges from vessels except in emergency situations or except where permitted by international convention (see section 17(c), p. 41).

Establish civil penalties of up to $10,000 for willful or negligent oil or matter discharges from vessels (see section 17(c)(2), p. 41).

Direct that the U.S. remove oil or matter discharged where there is a pollution hazard to private or public beaches or shorelines in the U.S. or to marine resources (see section 17(d)(1), p. 42).

Authorize the United States to remove or destroy a vessel in U.S. waters when a marine disaster creates a substantial pollution threat to the United States. The Corps of Engineers has similar authority today in cases of navigation hazards (see section 17(d)(2) p. 43).

Require the owner or operator of the vessel or onshore or offshore facility to remove the discharged oil or matter immediately (see sections 17(e) and (f) p. 44 & 46).

Provide a limitation of liability to the U.S. for costs of removal by the U.S. of vessel discharges of up to a maximum of $10 million or $100 per gross registered ton, whichever is the lesser (see section 17(e) p. 45).

Provide an $8 million limitation of liability for U.S. costs of removal in case of onshore facilities and offshore facilities located on inland waters and within the territorial sea, but suspends the limitation on onshore facilities until certain findings are made by Interior (see section 17(f)(3) p. 47).

Establish a $20 million revolving fund for cleanup to be administered by the Coast Guard (see section 17(h) p. 50).

Provide a system of financial responsibility for vessels of over 100 gross registered tons and barges of equivalent size, effective 1 year after enactment (see section 17(k) p. 53).

Repeal the antiquated Oil Pollution Act of 1924 which was developed by the House Public Works Committee (see section 7 p. 78).

B. In the area of control of sewage from vessels, the bill would:

Direct the Secretary of the Interior to issue Federal standards of performance for marine sanitation devices for all vessels (except vessels not equipped with installed toilet facilities), and it would direct the Coast Guard to issue regulations relative to the design, construction, installation, and operation of these devices on board such vessels (see p. 56).

Apply to existing vessels, the construction of which is initiated prior to issuance of the standards and regulations (see definition p. 55).

Apply to new vessels, the construction of which is initiated after issuance of the standards and regulations (see definition p. 55).

Provide that the initial standards shall be effective for new vessels two years after promulgation, but not earlier than December 31, 1971, and for existing vessels five years after promulgation (see definition p. 57).

Provide for a system of certification by the Coast Guard of marine sanitation devices (see definition p. 59).

Provide for the establishment of civil penalties after notice and opportunity for a hearing (see p. 62).

Provide that provisions of this section shall be enforced by the Coast Guard (see p. 63).

C. In the area of training of personnel, the bill would:

Authorize the Secretary to make grants or to enter into contracts with institutions of higher education to assist them in planning, developing, strengthening, improving, or carrying out programs or projects to prepare undergraduate students entering into occupations involving the design, operation, and maintenance of waste treatment works (see p. 64–72).

Provide that these grants or contracts may be used to pay the compensation of students employed in connection with the operation and maintenanceof treatment works (see p. 68).

Authorize the award of scholarships for undergraduate studies for periods up to 4 academic years and the making of stipends (see p. 69).

Provide that the Secretary by regulation will require that any person awarded a scholarship must enter into an agreement in writing to enter and remain in an occupation involving the design, operation, or maintenance of treatment works for such period as the Secretary determines appropriate after the completion of the student's studies (see p. 71).

Authorize appropriations for fiscal year 1970 of $12 million and for fiscal years 1971 and 1972 of $25 million annually—total $62 million (see p. 72).

D. In the area of research, the bill would:

Authorize grants and contracts for the prevention, removal, and control of lake pollution (see p. 76).

Authorize research and demonstration projects relative to acid mine pollution (see p. 64).

Authorize grants and contracts relative to research and development on the prevention and control of oil pollution (see p. 76 and 77).

Authorize the Secretary to engage in studies, research, experiments, and demonstrations relative to discharges from recreational vessels and the equipment installed thereon with the requirement of a report to Congress (see p. 77).

Authorize the Secretary to acquire lands and interests therein for field laboratories and research facilities and in connection with demonstration projects (see p. 76).

Extend the appropriation authorization provisions of sections 5 and 6 of the Act two additional years at the current level of appropriation authorizations which is $120 million for F.Y. 1969 (see p. 78).

E. In the area of controlling pollution from federal activities and federally licensed or permit activities, the bill would:

Require that all federal installations take immediate steps to insure compliance with applicable federal, state or local water quality standards, subject, of course, to the availability of appropriations, and consistent with national needs (see pages 73–75).

Require that all applicants, other than Federal agency applicants, obtain a certificate from the appropriate state or interstate water pollution control agency in connection with the granting of a federal license or permit by a federal agency for the conduct of an activity that may discharge waste into the navigable waters of the United States (see p. 73–75).

Provide that in instances where state lacks authority to certify the Secretary of Interior will provide the certification (see p. 73–75).

Provide that any activity which is under construction under a federal license or permit upon enactment of this legislation shall have two years to obtain a certificate, and if they fail to do so within that period of time the license or permit shall be suspended.

F. The bill would also change the name of the Federal Water Pollution Control Administration to the National Water Quality Administration in order to provide a more protective emphasis to this very important national program (see section 8, p. 78).

Mr. Chairman, so that the amounts of funds involved will be clear, the following summary of the cost of the legislation will be helpful:

	Millions
Section 17(h)(1), which establishes a revolving fund for cleanup of oil and matter discharges by the United States	$20
Section 19(d) which provides for the research and demonstration program for the control of acid mine pollution	15
Section 23, which provides authorization for appropriations for the training of operators of waste treatment works	62
Section 5, which extends the research training and demonstration authority in Section 4 of the Water Pollution Control Act	130
Section 5, which extends the research authority of section 6 of the Water Pollution Control Act	120
Section 4, which extends the authority to conduct a study on the estuaries	1
Total	348

Mr. Chairman, we have come a long way in our struggle to preserve and protect, and even to rescue, the waters of this great country of ours. We have a long way still before us. This legislation represents effective further progress in critical areas. I cannot overemphasize the importance of enacting this legislation and getting on with the job.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from our neighboring State of Iowa.

Mr. GROSS. Mr. Chairman, I thank the gentleman from Minnesota for yielding.

What is the total annual cost of this proposed legislation?

Mr. BLATNIK. The total cost would be approximately $348 million over maybe 2 and up to 4 years.

Mr. GROSS. But the total annual cost is what?

Mr. BLATNIK. I cannot give the gentleman the annual cost, but the total cost. The authorizations and extensions will amount to $348 million over a period of at least 2 and in some instances perhaps up to 4 years.

Mr. CRAMER. Mr. Chairman, will the gentleman yield for further clarification?

Mr. BLATNIK. I yield to the gentleman from Florida, the ranking minority member of the committee.

Mr. CRAMER. Mr. Chairman, I think what the gentleman is saying is the total cost for the total period is $348 million. The annual cost is a revolving fund for oil pollution, $20 million for an indefinite period. That is the total cost of that program. It is a revolving fund. The

amount for area acid and mine water pollution for 1 year is $15 million. The amount for training grants and contracts is $12 million. The amount for estuary research extension is $1 million. The amount for general research and for project research, two programs for 2 years, $250 million, which is the same level as in the present law. So the cost of the program is substantially less than that which we brought in last year, in that we eliminated the title of financing proposed for sewage treatment plants at this time.

Mr. GROSS. Mr. Chairman, will the gentleman yield further?

Mr. BLATNIK. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I believe section (d) is contained in section 17, Control of Pollution by Oil and Other Matter. I would refer the gentleman to page 43 of the bill, where it says:

> Whenever a marine disaster in or upon the navigable waters of the United States has created a substantial threat of a pollution hazard—

And so on. There is an authorization of $20 million set up for the financing of this provision of the bill. Does this mean that the taxpayers of the country, in the case of an oil pollution occurrence such as that off the coast of California, could expend x number of dollars and recover none of the money that was expended? I see no provision in section (d) whereby the company or corporation polluting the water would be called upon to repay.

Mr. BLATNIK. Mr. Chairman, if the gentleman will turn to page 44—and this will be explained in complete detail by Mr. WRIGHT—and refer for the time being to page 44, lines 20 to 23, the gentleman will see it states:

> If the United States removes oil or matter which was willfully or negligently discharged by such owner or operator, the vessel and such owner or operator shall be liable to the United States for the full amount of the costs.

The United States can, therefore, recoup or claim whatever expenses are involved; this also applies to onshore facilities on page 46 and offshore facilities on page 47.

Mr. GROSS. This then is not confined to vessels, and it will go to oil wells such as were involved and caused the pollution off the coast of California?

Mr. BLATNIK. Those would be covered by this legislation.

Mr. GROSS. So the Federal Government can recover funds it has expended?

Mr. BLATNIK. Yes, sir.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from Alabama, who has made outstanding contributions to this legislation.

Mr. JONES of Alabama. Mr. Chairman, I commend the gentleman from Minnesota and the other members of the subcommittee, who participated for the very deliberate way in which the hearings were held and the legislation was prepared. I am quite sure the House can take pride in the results of their work.

Mr. Chairman, I urge support of H.R. 4148 as an essential continuation for development of this Nation's water resources to benefit all the people.

We cannot ever overstate the importance of water resources to the development of our Nation. Without full and proper attention to the water which we possess, we cannot hope to successfully reach the levels of attainment to which this Nation is dedicated.

Water pollution has resulted from man's misuse of his inheritance. President Lyndon B. Johnson stated well the problems which we face when he said:

> This is water that could be used and reused, if treated properly. Today it is ravaged water—a menace to the health. It flows uselessly past water-hungry communities to an indifferent sea.

Water is an invaluable commodity. However, most people simply take it for granted until the supply runs low in quantity or in quality. Unfortunately, this problem where it occurs usually stems from our mismanagement of the water quality.

The Congress has passed major legislation in this field on several occasions. In 1956 there was enacted into law the first comprehensive Federal Water Pollution Control Act. The Federal Water Pollution Control Act Amendments were passed in 1961 and were followed in 1965 by the Water Quality Act, in 1966 by the Clean Water Restoration Act, and now hopefully in 1969 by the Water Quality Improvement Act of 1969.

This legislation deals with the serious problems concerning the prevention and cleanup of discharges of oil and other matter from vessels and onshore and offshore facilities, the control of sewage from vessels, acid and other mine water control, the training of skilled and knowledgeable people to handle the modern sophisticated waste treatment works in our cities and industries, the effect of Federal activities and federally licensed or permitted activities on our navigable waters.

This legislation is good legislation, it is needed legislation. The committee has heard over the past 2 years representatives of all segments of our society, our governmental institutions, and our industry. It has taken testimony from Governors of large States, owners of small boats, representatives of international insurance associations, concerned citizens, and many, many others. The committee members worked long and hard to make the right decisions, and I believe they have succeeded. I commend the chairman of the Committee on Public Works, my close friend from Maryland, GEORGE H. FALLON; the gentleman from Minnesota, JOHN A. BLATNIK, and all of my colleagues on both sides of the aisle of this great committee.

Mr. Chairman, I urge the overwhelming passage of H.R. 4148 by all our colleagues in this great body.

(Mr. JONES of Alabama asked and was given permission to revise and extend his remarks.)

Mr. BLATNIK. I thank my very dear friend, our able colleague, the gentleman from Alabama (Mr. JONES).

Mr. CRAMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am not going to prolong the debate nor discuss subject matters other Members are going to discuss, in that this bill comes out of our committee unanimously, supported on both sides of the aisle, as it did last year and as it has traditionally in the past recent years.

Except for the fact that we eliminated the basic financing provisions relating to sewage treatment plants, this is a bill similar to the bill voted twice by this House unanimously last session. Unfortunately it did not become law because of the other body's unwillingness to accept the House position.

Frankly, I believe this is an instance where the passage of time is resulting in better legislation. This could be partially attributed to certain circumstances which have occurred, however, such as the oil spill off the shore of southern California, which obviously alerted the American people to the risk involved.

Some of us had been attempting to alert the American people for some time relating to the possibility and the prospect of oil spillages of major nature. I recall a few years ago I and some others tried to alert this country to the risk involved, for instance, with respect to sunken tankers, the possibility of the holds of those tankers, because of the extended period of time, rusting out, causing major spillages on the beaches in some areas of this country. I raised the necessity of trying to find out what those possibilities were, what could be done about them, and who should be responsible for the cleanup.

We have gone a long way, I will say, since that request for information. The *Torrey Canyon* incident has occurred.

We know this is an area in which there is a possibility of a major disaster in a given area. It has occurred off the coast of California. It has occurred in England. It has occurred on the shores of Puerto Rico.

So we feel it is a responsibility of the U.S. Congress to determine what is the liability of those who cause this risk. Therefore, this legislation is now before us.

I am happy to say also that this legislation is supported by the administration.

I am happy to say that the administration has been most cooperative, with our committee on both sides, in an effort to try to draft good legislation.

I want to say further that the Secretary of the Interior took immediate action. We called that to the attention on October 7 and again on October 14, 1968 of the House and the attention of the Congress and, yes, to the attention of the administration, Mr. Udall, and called attention to the fact that he had authority, in entering into leases with these offshore drillers, to require that they accept absolute liability for such oil spillages off the shores of the United States and, yes, onshore, as a matter of fact, when it is Government-owned land.

The previous administration did not see fit to include this in the leases, despite the fact that on the floor of the House we called it to their attention and said this could be done.

I recall responding to a question by the gentleman from Massachusetts (Mr. KEITH), in the debate in the last session. I believe he asked, "What are you going to do about the offshore oil drilling and the risks which might be involved there?" I see the gentleman is on the floor. I congratulate him for his foresight, because he asked the question before the spillage took place in California.

At that time I stated, as I believed to be the case and as now proved to be the case, that the Secretary does have authority to restrict these leases under the law, and under his present authority for these offshore drilling rigs, to require them to accept responsibility for these spillages.

Secretary Hickel has seen fit to put this into effect, and I congratulate him for it. This legislation in no way infringes upon the authority which he is now exercising and, as a matter of fact, it permits it to go forward in the future as it has in the past.

Also, of course, we had to deal with the very difficult question of what do you do with on-shore facilities. I think the approach taken here is one that is logical and reasonable. It will not put anyone out of business and yet it will protect the people of this Nation with regard to oil spillages on shore. In federally owned lands, of course, they can do it under a lease authority. On privately owned lands, with private facilities, we had to try to find a formula.

It started out as a $8 million maximum liability formula. Obviously that was not the proper approach for a filling station or a boatyard which has gasoline and oil for sale to boats, such as they do in many of the fishing camps in Florida. It is just not logical. There is no way in which they can issue that amount of liability. So we adopted a proposal which permits the Secretary to set up classifications of businesses which have risks of possible pollution where they deal with hazardous material.

There are some 200 such materials that are already defined by the Secretary under present regulations and it is contemplated that materials of that nature will be dealt with by the Secretary in those present regulations. This not only includes oil but many other materials. This legislation authorizes the Secretary to classify those businesses concerned with these materials to make certain that the public is properly protected up to a maximum limitation of $8 million. We think this is a logical and reasonable approach.

Last year, when we considered oil pollution legislation, there was insufficient time to consider the difference between offshore facilities under the complete control of the United States and offshore facilities under the control of the States. We concluded, after much study, that where the United States did not have full control of the licensing procedures, a maximum liability for cleanup of spills that would be realistic in face of available insurance would be $8 million per discharge. This figure is frankly based upon the insurance market as is a figure of $10 million or $100 per gross ton for cleanup costs of vessels.

There was considerable soul-searching as to whether or not the insurance industry should, in effect, control our oil pollution requirements. Many of us had reservations concerning this approach. Nevertheless, at the present time, it seems to be the only practical method by which we can assure reimbursement for Government expenditures in cleanup. To this end we have provided for a study to be made by various Federal agencies concerned in cooperation with business, industry and all others that might be able to contribute to the solution of the problem. This study hopefully will provide us with information upon which to base future limitations of liability or financial responsibility requirements on all types of facilities—onshore, offshore, afloat, that may be responsible for the cleaning up of discharges.

In the area of on-shore facilities, we were very concerned lest we imposed a burden upon the businessman that would drive him out of business. Again, we did not have available the information we would have liked—and that we would have had if our bill had passed last year—but we felt we could not forebear from acting at this time. Consequently, we have included all on-shore facilities within the purview of the act. In order to preclude hasty action and to preclude forcing the business owner to guess whether or not he was required to insure himself under the act, we have provided that no facility is included until the Secretary of Interior shall find that it is included. This is to give the businessman, and in particular the small businessman, a chance to be heard and to protect himself against crippling loss.

At this point, perhaps it is well to make absolutely clear that the committee's intention is not to force upon the businessman the closing of his business or bankruptcy because of our requirement of responsibility for discharge cleanup. Neither is it in other provisions of this bill the intention of the committee to destroy lawful activities now enjoyed by the citizen. Thus, in our vessel pollution bill, which I will discuss in a moment, it is not our intention to drive the boatowner off the water. Indeed, we wish to emphasize that the agencies that administered the provisions of this bill are zealous in the protection of all citizens, including those directly affected by the provisions of this bill.

Recognizing that our knowledge will increase with time and recognizing the need to accelerate the gathering of knowledge in certain areas pertaining to pollution, the bill directs the Secretary to study further methods of clean-up and the prevention of oil spills.

Now all this legislation in the area of oil pollution would be meaningless if we did not provide the tools by which these spills could be arrested and cleanup accomplished. Accordingly, we have called for a revolving fund to be established for the purposes of accomplishing cleanup.

If the gentleman will permit me, I will be glad to answer any questions in just a moment. Let me say now that this is the approach we took with regard to that problem.

On control of sewage emanating from vessels, we believe that the approach here is a reasonable one. This bill goes further—and I want to make sure that this is clearly understood—this bill goes further than the bill we had last year. One reason for that is that we have more experience and have gone into more areas, so we were able to do an even better job. Therefore we have provided for certain requirements relating to marine sanitation devices which are required of all vessels where such toilet facilities are built in or where they have such facilities built in in the future. Also we provided logically for the departments and for the legislatures of States to come up with a proper approach by providing ample time for them to do this.

We gave present boatowners who have sanitation facilities in present boats 5 years to conform to these requirements. As to new vessels it gives 2 years and prolongs the standards for that period of time in order to allow them to conform.

I just mentioned the control of sewage from vessels. Here again was an area of great difficulty. The testimony and evidence that we had before us was such that several members of the committee did not feel confident that small recreational craft made a substantial contribution to the pollution of our waters. Nevertheless, it appeared clear that it would be unwise to withhold legislation until such time that a convincing demonstration of pollution could be made. To a large extent, the vessel pollution provisions, which deal solely with sanitary sewage—that is human waste—will be what I would call a prophylactic prevention of future pollution.

We recognized that at the present time our technology is such that there is no effective practical solution for the treatment of sewage on small vessels. Even in large vessels the problem is difficult. Consequently, we have chosen to demonstrate our concern for this problem at the present time by requiring the Secretary of Interior to conduct such research as would be necessary to develop suitable marine sanitation devices, including perhaps chemical or biological treatment. We have required that the results of this study be furnished to the Congress prior to the effective date of standards for marine sanitation devices to be promulgated under the act.

Based upon the information available to him from all sources, including his research program, the Secretary of Interior is to issue Federal standards of performance for marine sanitation devices. In doing so, he will take into account the technology available and the economics involved. The bill takes into consideration the problems of existing vessels as opposed to vessels constructed after issuance of standards and regulations by the Secretary and by the Secretary of Transportation. The initial standards shall not be effective for new vessels until 2 years after promulgation and no earlier than December 31, 1971. In the case of existing vessels, they will have 5 years to comply. Broad authority is given to the Secretaries to classify vessels and distinguish between them so that their different characteristics, practices and use may be taken into account.

In order to assure that the interests of the vessel owner are fully considered by the Secretary, requirement that sec-

tion 4 of the Administrative Procedures Act apply to the issuance of standards and regulations is included.

It was forcefully brought to our attention by many witnesses that a burden upon the passage in interstate commerce of vessels has been imposed as the result of differing States imposing differing standards for marine sanitation devices. Thus, a boatowner in compliance with the laws of his own State where his boat is registered will find himself in difficulty if he enters the waters of another State having differing requirements. We, therefore, have chosen to preempt from the States the adoption or enforcement of any statute or regulation with the respect to the design, manufacturer, or installation of a marine sanitation device on a vessel. Recognizing that there are circumstances under which a State may choose to prohibit discharge of sewage whether treated or not from a vessel the right of a State to make such prohibition is protected. In order to prevent inequities, however, the bill permits prohibition by a State of such discharges only if discharges from all other sources are likewise prohibited in such waters. Thus, the very justifiable complaint of boatowners that we have all seen appearing in boating magazines and newspaper columns to the effect that the small boatowner should not be required to carry his sewage aboard while his boat is sailing through waters befouled with filth from the land is recognized and dealt with.

The enforcement of the marine sanitation device provisions seems to us to depend upon two areas. The first, to stop the manufacture of devices which do not meet the standards that will be developed and promulgated by the Secretary of Interior and the Secretary of Transportation. The second is to prevent unlawful discharges by the vessel. Consequently, penalties are provided to punish the selling or distributing of vessels not equipped with a necessary sanitation device and to punish unauthorized discharges. Vessels that are too small or have some reason to not spend extended periods of time on the water so that installed toilet facilities are not on board are not required to have marine sanitation devices. Nor is it our intention to leave to the State the prerogative of requiring such vessels to install toilet facilities with marine sanitation devices.

We think that this is a sound approach and will leave the administration where it belongs, in the Coast Guard. We do not want to erect a separate department of the Interior or department of the Navy in order to police these regulations, so we leave the administration and jurisdiction of them where they belong, just as it was in the bill last year, in the Coast Guard. I understand the Coast Guard is in full support of this legislation.

Now, Mr. Chairman, one section that I will take up for just one moment relates to the amendment which is now a part of this legislation similar to the bill a number of us introduced here, H.R. 8516, dealing with training of personnel. We will never solve this problem if we do not have people who are qualified actually to administer the program. This has been an area of weakness for some time, but it is an admitted area of weakness.

As a matter of fact, the other body had lengthy studies relating to this, and in the 90th Congress, Senate Document 49, entitled "Manpower and Training Needs in Water Pollution Control" which was published in August 1967, this document called attention of the Congress to the very dire need for trained personnel at all levels in order to accomplish water pollution control programs and to say to the States that they have to have this and say to the States that they have to have that and that they are going to have to have standards and they will have to conform to those standards.

We will have to have money available for sewage treatment plants and faced with the finding of fact that the personnel with which to accomplish this objective do not now exist is to ignore one of the necessities in reaching a sound solution to a very serious problem.

Mr. Chairman, I am happy to report that the committee adopted, again unanimously, an amendment which I think represents a sound approach and which, in effect, amends the present law to provide for funds for the training of personnel, for tooling up the university systems and encouraging them to go into this field of clean water and to become qualified from an instructional standpoint to turn out the personnel to do this job in the future.

Mr. Chairman, rather than spend the time of the Committee in discussing it in detail, I shall place the justification for that in the RECORD:

MEMORANDUM ON MANPOWER AND TRAINING FOR WATER POLLUTION CONTROL

Early in the history of water pollution control legislation, the need for training of qualified personnel was recognized and provided for by statute. After the transfer of the Federal Water Pollution Control Administration from the Department of Health, Education and Welfare to the Department of Interior, an extensive study was conducted by that Administration concerning manpower needs for water pollution control. The results of this study were published as Senate Document #49 of the 90th Congress entitled "Manpower and Training Needs in Water Pollution Control." Published in August of 1967, the document called the attention of Congress to the need for trained personnel at all levels to accomplish our water pollution control program.

TABLE I.—ESTIMATES OF MANPOWER REQUIREMENTS

Employers	Fiscal year 1967			Fiscal year 1972								
				Professionals			Technicians			Sewage treatment plant operators		
	Professionals	Technicians	Sewage treatment plant operators	Estimate	Increase	Percent increase	Estimate	Increase	Percent increase	Estimate	Increase	Percent increase
State agencies	1,368	317	----	3,422	2,054	150	980	633	208	----	----	----
Local agencies	2,250	2,250	20,000	5,550	3,250	144	5,500	3,250	144	30,000	10,000	50
Subtotal [1]	3,600	2,600	20,000	9,000	5,400	150	6,500	3,900	150	30,000	10,000	50
Industrial waste treatment	1,700	1,700	3,500	6,000	4,300	253	6,000	4,300	253	12,000	8,500	243
Consulting engineers [2]	6,000	6,000	----	21,000	15,000	250	21,000	15,000	250	----	----	----
Total [1]	11,300	10,300	23,500	36,000	24,700	219	33,500	23,200	225	42,000	18,500	30

[1] Numbers are rounded.
[2] Estimated by Black & Veatch, consulting engineers.

On page 15 appears Table 1, "Estimates of Manpower Requirements." The increase in sewage treatment plant operators estimated to be required by fiscal year 1972 over that required in fiscal year 1967 was 10,000. Granting that the need for trained operators will be determined to a large extent by the rate by which sewage treatment plants are completed, the report notes that the demands for operating personnel lag well behind construction appropriations, while the demands for design personnel are more immediate. (P. 14). In addition, this increase is based upon an estimate by the Water Pollution Control Federation that the number of operators employed at the time of the report was 20,000. The FWPCA estimated that only 16,500 operators were employed at the time. The estimated need for 1972 is 30,000 operators. If the FWPCA estimate is correct, the increase in operators would be 13,500. The report gives no figures for replacement of personnel due to death, retirement, or transfer of employment outside the field because accurate turnover rates were not available.

Table 1 of the report indicates that an increase of 8,500 industrial waste treatment plant operators will be required. In addition, an increase of 3,900 technicians will be needed for state and local agencies and 4,300 for industrial waste treatment. The state and local agencies will need an increase of 5,400 professional personnel, and 4,300 more industrial waste treatment professional personnel would be required.

One very interesting figure deals with professionals who operate as consulting engineers. The 1967 estimate based on figures by Black and Veatch, Consulting Engineers, indicates that 6,000 consulting engineers were available for consultation in the field in 1967 and that 21,000 would be needed by 1972—an increase of 15,000. It's estimated that for technicians working with professional consulting engineers, an increase from 6,000 to 21,000—that is an increase of 15,000—is required.

During testimony before the Committee on Public Works of the House of Representatives on Thursday, March 6, 1969, Allen R. Voss, Assistant Director of the General Accounting Office, pointed out that the Federal Water Pollution Control Act requires that no grant shall be made for any project until the applicant has provided for ensuring proper and efficient operation and maintenance of the treatment works after completion of construction. In other words, *under the law a grant depends upon the availability of trained personnel who can effectively carry out efficient operation and maintenance.*

The GAO investigation of various aspects of the implementation of water pollution control legislation was, at the time of Mr. Voss' statement, still in its early phases. Nevertheless, the following paragraphs quoted from Mr. Voss' statement indicate the need for activity:

"In examining into the operation and maintenance of treatment plants, we are using as criteria the minimum requirements for personnel, laboratory controls, and records established by a conference of State Sanitary Engineers in cooperation with the Department of Health, Education, and Welfare in 1963.

"We are finding, generally, that these minimum requirements are not being met. For example, on the basis of a review of 20 operation and maintenance reports in two States, we believe that 17 plants did not meet the minimum requirements. Thirteen of the 20 did not meet minimum personnel requirements; 15 of 20 did not meet minimum laboratory requirements; and seven of 20 did not meet minimum records requirements. In our opinion, 11 of the 20 plants were strongly deficient.

"During one of our on-site inspections of a treatment plant, we found that the plant was shut down and that no operator was available. State representatives accompanying our staff members stated that the plant had been shut down for about a month. In another instance, a review of FWPCA files showed that FWPCA, in its inspection of a plant in September 1968, noted a number of deficiencies among which was the fact that the plant did not have a full-time operator and daily operating records were not being maintained. We could not find evidence that these deficiencies had been brought to the attention of the State. * * *

"In February 1969, staff members of our office accompanied by a state representative found that the plant still did not have a full-time operator and that daily operators were still not being maintained. * * *"

Following is a colloquy between Congressman William H. Harsha and Mr. Voss, during the latter's testimony before the Committee:

"Mr. HARSHA. Now, do you know or have you had an opportunity to make this determination, whether or not we have the engineering potential in this country to design and construct the municipal treatment plants that could be built if the whole billion dollars authorization by fiscal year 1970 were appropriated?

"Mr. Voss. No, sir, we have not done a thing in that area. I know, just recently, we talked to an official in the FWPCA and this is something that he said that possibly that agency may consider doing.

"Mr. HARSHA. Apropos to the same question about available personnel and professional people, is it not a fact that one of the problems is this dearth of trained personnel, scientists, water quality men, even technicians and operators of plants, is that not so?

"Mr. Voss. Yes. At least at a number of the plants that we have visited—it does not seem that the operators have been trained as well as they could be. There is a lack of laboratory testing. There is a lack of keeping of records. And if you do not keep these records on the tests, that supposedly you are making, it is very difficult for anyone to determine whether or not that plant is operating to the design capability. You do not have on record the water and sewage going into the plant, and that going out of the plant.

"Mr. HARSHA. Well, is this due to the lack of efficiency of the personnel there or due to the lack of sufficient personnel?

"Mr. Voss. I would say both.

"Mr. HARSHA. And, as a matter of fact, have you not found that a number of plants are not operating at capacity?

"Mr. Voss. This, but what we are finding, offhand, I cannot say how many.

"I might mention, Mr. Congressman, we have figures which are estimates as to the number of operators you are going to need to operate these plants by 1972, and it is a tremendous increase in the next 4 or 5 years. They are just estimates, but it is the best we have available and it is jumping from about 23,000 to 43,000 or 44,000."

In order to combat this dearth of personnel, the Federal Water Pollution Control Administration has used three approaches. Two of these involved joint federal agency efforts with the states working through the regional office of FWPCA. The third is to secure adequate appropriations directly to FWPCA to support training contracts.

At this point, it is well to review the sections of the Water Pollution Control Act, as amended, applicable to training. Section 5 of the Act deals with research, investigations, training, and information. Subsection 5(a)(2) authorizes the Secretary of Interior to make grants-in-aid to public or private agencies and institutions and to individuals for research and training projects and for demonstrations, and provide for the conduct of research, training and demonstrations by contract with public or private agencies and institutions. Subsection 5(a)(4) authorizes the Secertary to establish and maintain research fellowships in the Department of Interior with stipends and allowances, including travel and subsistence expenses. Subsection (5)(a) authorizes the Secretary to provide training in technical matters relating to the causes, prevention, and control of water pollution to personnel of public agencies and other persons with suitable qualifications.

In addition, under the Secretary's authority for grants for research and development included in Section 6, the Secretary may make grants to those engaged in research, including, but not limited to, those attending recognized education institutions.

Appropriations for Section 5 purposes have been as follows:

	Fiscal year 1968	Fiscal year 1969	Fiscal year 1970
Grants for training	$3,667,000	$3,400,000	$3,980,000
Research fellowship	633,000	600,000	600,000
Federal technical training and administration	637,000	804,000	1,006,000
Graduate and special training	251,000	258,000	258,000
Total	4,888,000	5,062,000	5,844,000

[1] Requested by Johnson administration.

According to figures received from the FWPCA, the Division of Manpower and Training has training grants of $3,400,000 available for the training of approximately 500 trainees in FY 1969. $600,000 will be distributed amongst 101 research fellows. For FY 1970, the FWPCA estimates that $3,980,000 will be spent for training grants to train approximately 700 trainees. FWPCA short courses for those actually employed in water pollution control activities are scheduled to train 1,465 trainees in FY 1969 and 360 trainees in FY 1970.

The FWPCA was awarded a contract by the Department of Labor on January 21, 1969, to train waste treatment plant operators. When augmented by funds from the Department of Health, Education and Welfare a total of $1,032,000 will be available. The program will involve approximately 800 operators in 10 urban and 10 rural projects. The states of New York, New Jersey, Pennsylvania, Maryland, Ohio, Michigan, Illinois, Iowa, Texas and California are receiving initial consideration as potential project sites. All trainees will be selected by the management of waste water treatment plants from the employees engaged in this work. There is no tuition fee.

The project, established under authority of the Manpower Development and Training Act will be administered by the Division of Manpower and Training of the FWPCA as a prime contractor. Training and supervision will be handled through subcontracts with municipalities or waste treatment districts with oversight by FWPCA regional offices. The length of the course is 44 weeks or 1760 hours, and includes 20 weeks or 800 hours of full on-the-job training and 630 hours of part-time on-the-job training.

In the area of federal-state cooperation, FWPCA has joined the cooperative area manpower plan system (CAMPS). The importance of this program to water pollution control is that it provides the first opportunity for training of those who are not currently employed as operators in water pollution control and envisions training of the unemployed seeking a place in that field. It does not, apparently, consider the training of personnel already employed in other fields for transfer to water pollution control work.

As commendable as the efforts of the FWPCA are, it is clear that there are two major deficiencies. One is obviously the numbers involved.

If we add together all those who receive any training under the programs discussed above, they come to well under 2,000 for FY 1969. Practically all of these are already employed or engaged in the water pollution control field. Practically nothing is being done to eliminate the great gap between available personnel and personnel required for the operation of treatment plants. Another defect is the failure of any program to look to other fields for personnel to be transferred into the water pollution field. No inducements are set forth for the competent intelligent person to consider transferring his activities to water pollution control.

The purpose of H.R. 8516, which has been incorporated by the Committee into H.R. 4148, is to provide inducements to those not in the field of water pollution control to enter it and to induce those already within the field to achieve a greater degree of competence and to remain in this work. In order to do this, it would make available to interested students scholarships and stipends now available primarily for those in the professional level. A student who wishes to become a sewage treatment plant operator may do so while receiving a stipend, which, to some extent, would accommodate him for his loss of income during his period of study. Thus, the individual student would receive an inducement to come into the field, which he otherwise could not afford to enter.

An estimated average of $1,000 a year per student at all levels was used in calculating the total amount authorized. This figure was derived from information based upon the needs of community colleges which either have or are developing training programs for operators.

Assuming a need for 10,000 more operators within the next three years and assuming an average training program of two years, $20,000,000 would be needed for the training of operators over the next two years. Applying a loss factor used by the FWPCA of approximately 25% for students who would, for one reason or another, be unable to complete the program, the program should cost approximately $24,000,000 for the first two years. This figure is restricted strictly to training persons required by state and local agencies for municipal operations and does not provide for training industrial waste treatment plant operators. In order to compensate for an expected lag in the administration of the program, selection of students, and completion of construction of necessary facilities, $8,000,000 is suggested for the first year's appropriation for operational training and $16,000,000 for the second year's operational training. The same figure is suggested for the third year for the increased number of

students anticipated to fulfill the needs of increased sewage treatment plant construction, for those students who will need to receive advanced training, and for those students who must take three years to complete their training program rather than two. Similarly, figures are derived for state and local professionals at $3,000,000 for the first year and $8,000,000 for each of the second and third years. For the training of technicians, $1,000,000 is needed for each of the three years. The number of technicians required for local and state agencies is much smaller than the number of operators required, and the cost of their instruction is estimated at somewhat less. This leads to a total of $12,000,000 for the first year and $25,000,000 for each of the second and third years.

Now, what would be the effect of cutting any of these figures? The immediate effect would be that the state and local agencies will not be able to acquire the personnel that they will need to administer their programs and to evaluate their projects. Because of the scarcity of professional personnel, salaries offered by consulting enginer firms and by industry will be more attractive than state and local employment which can lead to the absorption by those groups of the professionals who do finish their training without federal assistance. Even so, the number of people absorbed by the counsulting engineer firms will still be inadequate to accomplish the design engineering necessary for project development and evaluations. Consequently, a reduction of funds for the professional training part of the program will lead to an imediate impact upon the design and administration levels. Reduction of funds for that portion of the program dealing with operators and technicians will not lead to a loss that will be felt immediately. However, upon completion of construction of treatment works, the works will be maloperated or not operated at all, as indicated by Mr. Voss' testimony.

Mr. McCARTHY. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. Yes, I yield to the gentleman from New York, since I promised to yield to him first.

(Mr. McCARTHY asked and was given permission to revise and extend his remarks.)

Mr. McCARTHY. The gentleman from Florida (Mr. CRAMER) alluded to the new Secretary of Interior.

Mr. CRAMER. Yes.

Mr. McCARTHY. As a Member on this side of the aisle, I would like to identify myself with the remarks that the gentleman from Florida has made about the new Secretary of the Interior. I was one, at the time that he was being considered for confirmation, who seriously questioned whether, by virtue of his background, experience, and public statements, he could actually be a good modern Secretary of the Department of Interior.

I must say in all fairness that I have been impressed with the new Secretary with reference to the American Indian, with reference to wildlife, the national parks, and certainly, on this matter of oil pollution. I think he has shown vigor and determination and, frankly, I have been pleasantly surprised to find the qualities which he has exhibited. I think Mr. Hickel's record thus far has been commendable.

Mr. CRAMER. I thank the gentleman very much. The gentleman's hindsight is very excellent I will say.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman from Florida for yielding. In several places in the bill there is the language—"Secretary of the Department under which the Coast Guard is operating."

Mr. CRAMER. Where is the gentleman reading?

Mr. GROSS. Page 44, line 14, but it also appears in a number of other places—"Secretary of the Department in which the Coast Guard is operating."

I am just curious to know why this language is contained in the bill.

Mr. CRAMER. To make sure that the Coast Guard itself in no matter which Department it is presently operating continues to have jurisdiction over this enforcement.

Mr. GROSS. I thought there might be some question about where the Coast Guard would be located.

Mr. CRAMER. There is no question.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from New Jersey.

Mr. HOWARD. As has been true in the past, the Coast Guard has been in the Department of Transportation, but in wartime it may be under the Department of Defense.

Mr. CRAMER. That is right; the gentleman is correct.

Mr. GROSS. Mr. Chairman, if the gentleman will yield further, on page 42, line 19, there is the language "—by action in rem—" What is the meaning of that?

Mr. CRAMER. Action against the vessel.

Mr. GROSS. Action against the what?

Mr. CRAMER. The vessel.

Mr. GROSS. Action against the vessel?

Mr. CRAMER. In rem is an action against the vessel itself—action against the property, a concept permitted by the law of admiralty.

Mr. GROSS. I am glad to have the gentleman's explanation.

Mr. DENNEY. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman.

Mr. DENNEY. Actually, an action in rem is the phraseology which means action against the thing. It means that you get a judgment and a lien against a vessel and you foreclose on this lien.

Mr. CRAMER. The gentleman is absolutely correct. He sounds like a legal professor, and I thank the gentleman for his response.

Mr. GROSS. Is it proposed in this bill to go into more brick and mortar in order to provide for research laboratories and further research in this field?

Mr. CRAMER. No. It is my understanding that this is a technical type of research dealing with individuals, equipment, et cetera, and not buildings.

Mr. GROSS. Are there any other areas of government expenditures for this same purpose?

Mr. CRAMER. Not to my knowledge, I will say to the gentleman, we certainly would not try to duplicate expenditures. I might add to the gentleman that this is an ongoing research program, this is not new. This is a program that is presently in existence. This is a continuing authorization at exactly the present level.

Mr. GROSS. If the gentleman will yield further, to the knowledge of the gentleman there are no other areas of government in which money is being expended for the same general purposes as envisaged in this bill?

Mr. CRAMER. I would not support a duplication if I were aware of it, I would say to the gentleman.

Mr. GROSS. I thank the gentleman.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I appreciate the gentleman yielding, and I appreciate the statements that the gentleman has made, and the functions performed.

I rise simply for a point of clarification in the text of the bill.

Mr. Chairman, I am referring now to section 11, part (b).

Mr. CRAMER. Does the gentleman have the page number in the bill?

Mr. HALL. This is on page 74.

My query is simply as to whether or not, in fact, it does not give the various States of the Union certification power for permits in the first part of subsection (b), and in a later portion gives certification authority to the Secretary?

Mr. CRAMER. Let me say to the gentleman that this does not do so. It does provide for certification by the Secretary when the State cannot certify because it has no authority or certification procedure established. Once the State established has a certification procedure. In fact, if the States cannot certify, then the Secretary comes into play, but it is contemplated that the States will do the initial certification.

Mr. HALL. I understood that, if the gentleman will yield further, from the earlier part of the bill and from reading the report, but I am not quite sure about the language. Do I understand that the gentleman agrees that it might be clarified either by an amendment, or legislative history?

Mr. CRAMER. That is a matter that is under consideration now. I will be glad to clarify it further on the record as consideration of an amendment in this area is given, if the request for it is made.

Mr. HALL. I appreciate the statement made by the gentleman, and if the gentleman would refer then to page 59, has any consideration for the purpose of clarification been given to eliminating lines 8 and 9? That is where it says that "nothing in this section shall be construed to affect or modify the authority or jurisdiction of any State to prohibit discharges of sewage whether treated or not from a vessel within all or part of the intrastate waters of such State"?

It might be suggested that it stop right there, but instead the language goes ahead and says "if discharges from all other sources are likewise prohibited."

I am just thinking of State jurisdiction versus Federal jurisdiction in our offshore waters, estuaries, or navigable streams.

Mr. CRAMER. This deals with intrastate waters. I believe the language as presently in the bill accomplishes what should be done as it relates to intrastate and not interstate waters. And it is on the basis that if discharges from other sources are likewise prohibited, it would be so controlled. Of course, once the statute goes into effect the vessels could only discharge adequately treated sewage in any case.

Mr. HARSHA. Will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from Ohio.

Mr. HARSHA. This is a position that was brought out by representatives of the boat industry where the boatowners have complied with all regulations of the State as covering discharge into State waters, and yet they found that they could be prevented from making such distribution or discharges while other users of water were entitled to discharge polluted material into the water. They felt that because of the different changes in regulations from State to State that this was imposing an undue burden upon them where other pollutants were permitted to go into the water.

Mr. CRAMER. That is what I have tried to say to the gentleman, that where there are other discharges permitted into intrastate waters by the States, it does not make sense to control this aspect of it until they control the entire pollution problem.

Mr. HARSHA. There was considerable question as to whether or not the discharge from private sources was in fact a part of this program, or to any degree, and that is why we put this provision in.

Mr. CRAMER. I will say to the gentleman, this will cause no problem of pollution in my opinion in those areas where they are not presently controlled by the State.

Mr. HALL. I thank the gentleman. I think this is an important legislative record, and I understand the phrase "all other sources" is not predicated upon jurisdiction——

Mr. CRAMER. That is correct.

Mr. HALL. But, is predicated upon the sources of discharge.

Mr. CRAMER. That is correct.

(Mr. CRAMER asked and was given permission to revise and extend his remarks.)

Mr. HOWARD. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Chairman and my colleagues, I rise in support of the pending bill, H.R. 4148, the Water Quality Improvement Act of 1967. I urge its approval.

I want to commend my colleagues on the committee for this piece of legislation. It is farsighted legislation. It breaks new ground.

Particularly I want to call attention to section 2 which adds an entirely new section to the Federal Water Pollution Control Act. The new section deals with the control of pollution by oil and other matter. This is a far-reaching provision—a strong provision. By any standard, it is a tough provision, If we err, I thing it would have to be said that we err on the side of strength.

This provision with respect to oil pollution goes much farther than we have ever gone before. It provides stiff penalties for negligent pollution of the shores or waters or beaches of this country. Further, it establishes direct responsibilities for swift action to clean up these spills.

It makes those who pollute responsible for cleaning up the damage that they cause. It creates a machinery for the Federal Government to conduct the cleanup operation expeditiously if the polluter does not have the technical capability to do it. But in this case it places the financial burden of the cleanup on the polluter if his actions were either willful or negligent.

In addition, it provides rather stringent civil penalties to be imposed upon the willful or negligent polluter.

The recognition of oil and other hazardous matter as potentially serious water pollutants is not new. As long ago as 1886 the Congress recognized the need to control discharges in navigable waters in New York Harbor, and in 1899 the Congress enacted the Refuse Act, administered by the Corps of Engineers, to apply to both vessels and shore-based facilities with respect to almost every discharge into navigable waters except that flowing from streets and sewers. The need for control of oil was specifically recognized in the Oil Pollution Act of 1924.

However, several recent instances such as the breakup of the tanker, *Torrey Canyon*, off the coast of England and the misfortune of the SS *Ocean Eagle* off the Puerto Rican coast, and most recently the despoliation of California beaches by oil from an offshore drilling rig, have indicated to us that we need the capacity to do much more than the Oil Pollution Act of 1924 permits.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. Mr. Chairman, with great pleasure I yield to my colleague.

Mr. TEAGUE of California. As the gentleman knows and as other members of the committee know, I have been very much concerned about this problem because Santa Barbara is in my congressional district.

Almost a year ago I introduced a bill very similar to the one that has now been approved by your committee and again this year I introduced a similar bill.

At this time I would like to voice my complete support for the bill now before us and commend the committee and thank all the members of that committee for their good judgment in bringing this bill before us today.

Mr. WRIGHT. I wish to express my appreciation, and I am sure that of the entire committee, not only for the comments made on the floor today by our distinguished colleague from California (Mr. TEAGUE), but for his constructive contributions and his longstanding interest in this matter evidenced by his frequent appearances before our committee when we were considering these bills. He has indeed made significant contributions to the considerations of the committee, and much that is in this bill has been influenced by the interest expressed by the gentleman from California (Mr. TEAGUE).

The Oil Pollution Act of 1924 does not adequately meet present day needs. That Act applies only to discharges and to spills that are caused by gross negligence or willful conduct. It applies only to vessels. It does not apply to spills from fixed installations, either onshore or offshore, such as pipelines, refineries, manufacturing plants of various types and other kinds of industrial activities that use and store large quantities of oil. The Oil Pollution Act of 1924 is confined solely to oil spillage. It provides no protection whatever against other potentially hazardous substances, of which there are many, as the gentleman from Florida has pointed out, more than 200 of which have already been officially identified. In short, we believe that H.R. 4148 does effectively deal with this serious problem and plug up the gaps that were left in the Oil Pollution Act of 1924.

This legislation addresses itself not only to the prevention of such disasters but also to the methods of cleaning them up and abating them once they have occurred, as regrettably they will occur, in such a way as to prevent further ecological damage and impairment of environment.

In the area of oil and other hazardous pollutants, the bill before us applies to discharges of oil and other hazardous and harmful matter, which is very broadly defined in the bill, into the navigable waters, the contiguous zone, and the high seas from vessels, and it applies to discharges from both onshore and offshore facilities.

The bill requires that immediate notice be given of all discharges of these substances in any substantial quantity by individuals in charge of a vessel or onshore or offshore facility. It requires that such notice be given either to the Secretary of the Interior or to the Coast Guard. This, of course, permits immediate remedial action. It allows us to accomplish the appropriate steps to remove the discharged oil or matter as expeditiously as possible. The bill provides penalties up to $5,000 or 1 year in prison or both for failure to comply with this notification requirement.

The bill strictly prohibits the discharges of oil and matter from vessels except in emergency situations or except where it is permitted by international convention. It establishes civil penalties for violations of this section in an amount up to $10,000 if the discharge was willful or negligent.

It directs that the United States remove or arrange for the removal of any oil or matter that is discharged into any water or onto any shoreline or beach when, in the judgment of the Secretary of the Interior, such discharged oil or matter presents an actual or threatened pollution hazard. The United States would exercise this authority, of course, only if it is determined that the owner

or the operator of the vessel or facility has not made adequate arrangements to complete the removal of the oil or the other hazardous matter as required by the bill.

The bill authorizes the United States to remove or destroy a vessel in the navigable waters when a marine disaster creates a substantial pollution threat to the United States.

In those cases the cost of removing the vessel would be levied against the vessel, its cargo, and the owner or operator of the vessel where it can be established that the negligent operation of the vessel caused or contributed to the marine disaster.

The bill requires the owner or operator of such a vessel or of an onshore or offshore facility to remove the discharged oil or other harmful matter immediately, or to pay for the cost of removal up to the limits of liability provided in the bill if the United States takes that action.

The bill does provide for limitations of liability to the United States for the cost of removing or cleaning up. In the case of a vessel discharging oil or pollution into the water, the maximum limit of liability is $10 million or $100 per gross registered ton, whichever is the lesser. This is susbtantially more than our experience thus far has indicated that any cleanup has cost, and we believe by reason of this limitation that we have adequately protected the United States.

The committee heard in its hearings representatives of the insurance industry, some of whom came all the way from Great Britain to testify for us. Those representatives of groups insuring some 80 percent of the free world's shipping tonnage discussed with us their thoughts as to what the maximum insurable liability would be. We have tried to take their knowledgeable testimony into account.

With regard to onshore and offshore facilities—fixed installations as distinguished from moving vessels—the bill provides an $8 million maximum liability limit for costs assumed by the United States in cleaning up the spills. This was a particularly difficult and in some respects a very delicate determination. Obviously it is much too high for most situations encompassed in the scope of the bill. The committee is conscious of the fact that when we begin to apply a liability upon onshore facilities that may spill various pollutants into navigable waters of the United States, then we apply that liability against almost countless numbers of large and small enterprises that exist on the banks of the small streams that flow into the navigable waters of the United States.

I would imagine that, in almost any congressional district represented here, there would be several hundred enterprises, large or small, which would come under the liability provided in this bill. Therefore, so as not to provide an unworkable or an unnatural liability upon a relatively small business institution, we provided in the bill that the Secretary of the Interior shall establish by regulation, in consultation with the Secretary of Commerce and the Small Business Administrator, reasonable and equitable classifications of onshore facilities and activities, and that he will then apply to such classifications differing limits of liability, which in many cases will be very considerably less than $8 million.

Everyone can understand that for many thousands of businesses it would just be absolutely impossible for them to gain any sort of indemnification through insurance or otherwise for a loss up to $8 million. Therefore, it is anticipated by the committee that classifications would take into account the type and size of the businesses involved as well as their capacity to inflict pollution damage.

The bill establishes a $20 million revolving fund which will be discussed at greater length by our colleague from New Jersey (Mr. HOWARD)—who incidentally has probably visited more oil spills personally than any other Member of this House. This $20 million revolving fund will allow the President to delegate the authorities to perform an immediate cleanup if it is necessary for the Government to act before waiting until it becomes a serious hazard to health and property.

The bill requires proof of financial responsibility for all vessels over 100 gross registered tons and for barges of equivalent size, which would become effective 1 year after the enactment of the bill.

Mr. Chairman, as one who has fought for effective pollution control legislation for years, I believe this is a long step forward.

As regards oil pollution and pollution by other hazardous substances, this is a landmark piece of legislation. There can be no doubt that it is strong legislation, very strong legislation.

As I said earlier, if we err then we err on the side of strength and on the side of protecting the United States and the people of the United States.

Mr. HARSHA. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield with great pleasure to a distinguished member of the committee, the gentleman from Ohio (Mr. HARSHA).

Mr. HARSHA. I rise at this time to ask the distinguished gentleman from Texas a series of questions in order that we may make some legislative history.

As the gentleman knows, section 17 deals not only with the problem of oil and oil pollution, but also with the problem of hazardous matter. In that relation I should like to ask the gentleman: Is it intended that section 17 of the act will in any way permit the Secretary to list substances and concentrations in any orders defining "matter," to permit the Federal Government to bring pressure on any person to discourage him from discharging substances, where such substances, concentrations and discharges are within the limits of the water quality standards of the appropriate State?

Mr. WRIGHT. In answer to the gentleman, I would say section 17 is in no way intended to alter the State's water quality standards or its enforcement of them. If there is a situation in which a material which becomes classified as "matter" under section 17 is officially permitted to be discharged under the State's enforcement program, then obviously the State's determination in this instance would be controlling. The intent of this legislation is to provide a much needed tool to combat the effects of sudden spills which, if unreported, might cause serious damage and which must be cleaned up in order to preserve our waters.

Mr. HARSHA. I think the gentleman. Will the gentleman yield further?

Mr. WRIGHT. I yield to the gentleman from Ohio.

Mr. HARSHA. May I ask the gentleman this question: Is it intended that any action will be taken against any person for failure to report a discharge under section 17(b) where the substance discharged has not previously been listed in an order promulgated under administrative hearing processes as presenting an imminent and substantial hazard to public health or welfare?

Mr. WRIGHT. The answer to that question is "No." Obviously, until such time as the Secretary promulgates regulations, as clearly contemplated in the bill and directed in the committee report, on page 9 of that report, no person could be expected to know what material would be included on the Secretary's list as hazardous matter, and consequently no prosecution under section 17(b) relating to "matter" as distinguished from oil could be undertaken prior to the publication of the Secretary's list.

As the gentleman is quite well aware, we have been extremely broad in our definition of what constitutes "matter." I might refer to the bill, which defines "matter" as meaning any substance of any description or origin which, when discharged into the navigable waters in substantial quantities, presents, in the judgment of the Secretary, an imminent and substantial hazard to public health or welfare.

Now, there are certain substances exempted by specific reference from this definition, but the definition of course is so very broad that the committee thought it necessary to take note in the committee report, as it does on page 9, of the expectation that the Secretary shall with care compile a specific listing of what constitutes harmful matter.

The committee report declares that the Secretary will be expected to publish a list from time to time of the types of substances included in this definition in order to inform the public in accordance with standard administrative procedures. So, until the Secretary has done that, of course, no prosecutions under that section could be undertaken.

Mr. HARSHA. I thank the gentleman. One final question. Under the provisions of section 11(b) which requires State certification prior to the issuance of a Federal permit, is it not possible that a State, for reasons other than water pollution, may refuse to grant such certification or simply fail to act upon it? If so, what could the applicant do?

Mr. WRIGHT. This question was commented upon by the gentleman from Florida a bit earlier, and I think I would rest upon his answer. It is possible that this particular question may be subject

to an amendment tomorrow, and pending that time I think I would not want to make any further comment on the question.

Mr. HARSHA. Would the gentleman yield to the gentleman from Oklahoma (Mr. EDMONDSON) for some clarification?

Mr. WRIGHT. I do yield to the gentleman from Oklahoma, who is extremely knowledgeable on this question of certification.

Mr. EDMONDSON. I thank the gentleman for yielding.

I think the committee was interested in discussing this question and the staff conceded there was a possibility that this could happen, but it felt there would be a relatively remote possibility of it happening over any extended period of time. It is assumed, I think, in connection with this bill that all of the people involved in connection with this pollution control would be acting in good faith. Particularly I think it is a sound assumption that your States and the Federal Government will act in good faith throughout.

However, if the applicant has reason to feel that his rights have been interfered with the judicial procedures available now in the State courts to require action by the State would be available to the applicant. In a case where the Secretary is the certifying authority, the Federal courts would be available to the applicant. Once this act becomes law, it is contemplated that the entire statute will be construed in pari materia.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman.

Mr. HUNGATE. Would the gentleman answer this question? Could I inquire of the gentleman, in cases where the State or interstate agencies have authority to certify the conditions of discharge in navigable waters, would certification by the Secretary of the Interior also be required?

Mr. EDMONDSON. The only requirement, if the gentleman will yield, as I understand it, is the Federal certification would be in a situation in which the State did not have standards established and a certifying procedure itself.

Mr. HUNGATE. Would the gentleman yield further?

Mr. WRIGHT. I yield to the gentleman.

Mr. HUNGATE. I am referring to the provision on page 74 of the bill, line 18, where it says:

> Except that (1) if any affected State or the Secretary, if his certification is involved, after notice, which shall be given by such Federal agency, makes written objection, such certification may not be so accepted . . .

That does not mean that the Secretary of the Interior then could object in a situation where the State had made its certification, does it?

Mr. EDMONDSON. I would not construe it that way. I would think the alternative that is stated here would be consistent in the situation, that if the affected States had given certification, that that would be the route you would follow. And, if you had a Secretary's certification involved in it you would then be confronted with the regular procedure.

Mr. HUNGATE. I thank the gentleman.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Iowa.

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. This bill does not provide for the creation of a new commission or board, does it?

I have not been able to discover such language in it.

Mr. WRIGHT. The bill provides for the creation of no new commission, no new board, no new agency. In one instance it changes the name of an existing agency.

Mr. GROSS. I thank the gentleman from Texas.

Mr. WRIGHT. I should like to say in conclusion, Mr. Chairman, that this is strong legislation. It is broad in its application, stringent in its prohibitions. I believe that it will provide a very useful adjunct to that legislation already existing on the books in our continuing battle to clean up and purify the streams and waters of the United States, and prevent their further defilement.

Mr. CRAMER. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. HARSHA).

(Mr. HARSHA asked and was given permission to revise and extend his remarks.)

Mr. HARSHA. Mr. Chairman, I rise in support of H.R. 4148. The importance of this legislation may be seen from the number of activities which it covers and the broadness of its scope. This legislation deals with offshore facilities, onshore facilities, acid mine drainage, lake pollution, education and training of water quality control personnel, and licensing and permit considerations. As such, it affects in some degree nearly every family in the United States. It goes to nearly every activity—government or private, State or Federal, civilian or military.

Legislation that comes to grips with so many problems in so many diverse areas is not simple. There are many difficult problems that have been dealt with in the attempt to protect the quality of our waters.

Mr. Chairman, simple solutions to difficult problems are extremely rare if they exist at all. We would be presumptuous if we claimed that the bill prepared by the committee provides a set of simple solutions, because, Mr. Chairman, we have dealt with difficult prolems. The legislation before the House was arrived at after much difficulty and study over the last year and a half. I feel confident that the solutions that we have proposed are the best that we can propose at this time, and, therefore, urge the Members to support the bill, H.R. 4148, as presented by the committee.

In doing so, Mr. Chairman, I should like to invite the attention of the Members to the very fine and diligent work that has been done by the members and the staff of the committee in preparing this legislation. I think that all Members will agree, when they have had an opportunity to study the provisions of this bill, that it reflects a high degree of professional competence upon the part of the staff and of real diligence upon the part of the members.

Mr. ROBISON. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from New York.

(Mr. ROBISON asked and was given permission to revise and extend his remarks.)

Mr. ROBISON. Mr. Chairman, I appreciate the gentleman from Ohio yielding, so that I may take just a moment or two to congratulate the Committee on Public Works, on which I had the pleasure of serving for some 7 years before beginning my present committee assignment, on bringing out this legislation.

Mr. Chairman, my particular interest in this legislation, as some of the members of the committee will recall, relates to the growing national problem with reference to thermal discharges or cooling waters being released from steam-power plants, whether fired by fossil fuels or fired by nuclear energy.

I am especially interested, Mr. Chairman, in section 11(b) of the bill now pending before us.

It seems to me that this section does exactly what ought to be done now in this area of concern in that it does reach toward a national solution to what is rapidly becoming a national problem.

As I understand section 11(b), it will require that an applicant for a Federal license or permit for a facility which may discharge cooling waters into the navigable waters of the United States must first provide the Federal agency issuing a license or permit in connection with that facility, with a certification from the affected State or States, or interstate water pollution control agency, that the activity will be conducted in a manner that will not reduce the quality of the waters below applicable water quality standards.

I would like to say to the gentleman, if he will permit me to, that this has become a matter of serious concern in my own State and in my own congressional district where a nuclear power-plant is in the preconstruction stage. And, if anyone on the committee has wondered whether or not the States would be responsible for moving into this field, I can report to the committee that the New York State Water Resources Commission has been holding public hearings around our State on its tentative criteria in this field of thermal discharge, or thermal pollution. It is important also to know that, in adopting those tentative criteria, our State water resources commission did, generally speaking, accept the recommendations as made in this area last fall by the Federal Water Pollution Control Administration after making a study of the problem.

Mr. HARSHA. I thank the gentleman. I certainly want to commend the gentleman on his views in this particular field. The committee listened with a great deal of interest to his testimony, and gave very serious consideration to his views. The gentleman made very significant contributions toward these matters during the past leading to the formation of this legislation, as he always did when he served on the committee several years ago.

Mr. ROBISON. If the gentleman will yield further, Mr. Chairman, on page 8 of the report reference is made to the question of whether or not separate certificates ought to be required, both at the time of an applicant applying for and obtaining a Federal construction permit, and then later on at the time that same applicant applies for a Federal permit to operate and maintain the plant as now constructed.

On page 8 of the committee report it is stated:

> Based on testimony by the Commission, the committee has concluded that the very different character of the two applications, the long period of time that elapses between their issuance, and the uncertainty as to the finality of plans at the construction license stage, all support the requirements for certification with respect to both applications.

Mr. Chairman, if the gentleman will permit, I would merely like to take this moment to encourage the Committee of the Whole, and the Members of the House in their respective wisdom, to retain this requirement, if a question should arise on this, not only just for the reasons that are stated in the committee report, but, it seems to me, for one more reason, which is that as research goes forward in this field, about which we know all too little yet, we may well learn a great deal more about thermal pollution and the effects of thermal discharges than we do now. As 3 or 4 years may elapse between the time of a construction permit being granted for a nuclear powerplant, and then the operational permit being granted for that plant, it would be well for the Committee to hold intact this language as it is in the bill, and as mentioned in the report, requiring certification in both separate instances.

Mr. HARSHA. As the gentleman points out, it is precisely for these reasons that we collaborated on this, and that the committee put that provision in the bill.

However, I am not at all saying that this is a matter that is not under discussion at the present time, and I cannot advise the gentleman as to whether or not any amendments will be offered to that particular effect.

Mr. ROBISON. Mr. Chairman, I appreciate the gentleman yielding.

(Mr. ROBISON asked and was given permission to revise and extend his remarks.)

Mr. McEWEN. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from New York.

Mr. McEWEN. Mr. Chairman, I thank the gentleman for yielding.

On the point that my colleague from New York raised, on two certifications, or whatever number they might be, whenever there is a license applied for, let me say first to my colleague, of which I am sure he is aware, this applies to other matters other than just steamplant power generating facilities, it applies to anything where a license is required. Nevertheless, while I share the concern of the gentleman on the adequacy of those standards, and as the gentleman has pointed out, that there is an intervening lapse of time of maybe 3 or 4 years between a construction license and an operating license in the case of a powerplant with a thermal discharge, I believe we have got to give careful consideration to what burden we are placing on all these facilities.

Mr. Chairman, as I understand it, our power needs, for example, are doubling every decade in this country. In our own State of New York, and in many other States, I would say to my colleagues, we are seeing steam generating plants, as the gentleman has pointed out, either fossil fueled or atomic fueled, under construction, and some coming on the line in operation.

Now, should there be a change in water quality standards in the intervening, shall we say 4 years, between the time when the construction license is granted and when the application is made for an operating license, we could place a very serious burden upon this type of generating facility. And not only that, in the case of public authorities in this field, as we have in the State of New York, we could jeopardize that authority's ability to finance these needed plants.

So I say to the gentleman, that I share his concern in this matter, and I share it concerning these two times of construction and operation, but also that we not place a burden upon these facilities that they will be unable to meet, or have an adverse influence upon the confidence of those who are investing in them.

Mr. HARSHA. Mr. Chairman, I yield back the balance of my time.

Mr. CRAMER. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. ZWACH).

(Mr. ZWACH asked and was given permission to revise and extend his remarks.)

Mr. ZWACH. Mr. Chairman, I rise in support of H.R. 4148. Not only does this bill provide for a method of dealing with oil pollutants, it also has a small section authorizing research on other pollutants affecting our inland lakes.

My home State happens to have about one-seventh of the entire U.S. total of inland lakes. We are and have been proud of them and until recently, have been able to cope with siltation and eutrophication problems. Now with much greater use of these lakes for recreational and residential purposes, coupled with the wash-in of surrounding soils or fertilizer, some new methods must be developed to return these lakes to beautiful, cold water bodies. This research can be done by contracts from the Secretary to public or private groups or individuals.

This condition must be prevalent in most of our Nation's 100,000 lakes. It is a problem that should no longer be delayed. I urge my colleagues to support this bill.

[Mr. KEITH addressed the Committee. His remarks will appear hereafter in the Extensions of Remarks.]

Mr. HOWARD. Mr. Chairman, I wholeheartedly support this legislation, and I wish to commend my colleagues on the Public Works Committee and the chairman of the subcommittee and the chairman of the full committee for the amount of time they have given to this problem of water pollution and oil pollution, and to commend them for the legislation that is before us today.

I especially wish to commend the gentleman from Texas (Mr. WRIGHT) for his statement concerning this vital problem of oil pollution. Mr. WRIGHT discussed the controls that we will have in the future, the responsibilities that oil carriers do have to the public and to the beaches, the fact that installations must also concern themselves with precautions and be prepared to take responsibility for accidents that do occur.

But there is also the problem, Mr. Chairman, from the viewpoint of those who are on the beach, the ones who will have the oil on their sand, killing their shellfish and their fish, where they do not know in which direction to point the blame. The vessels are to be responsible, but what about the ship that passes in the night. All too often in recent years we have found instances where early one morning the Coast Guard or a commercial fisherman will report a huge oil slick off the coast coming toward the shore of some seaside resort. And no one knows where it came from for sure. They are not sure which vessels had passed by recently. Therefore, we must have something in addition besides the regulations that will charge certain vessels or installations that have dumped the oil with the responsibility of paying for the cleanup.

So I am very happy, Mr. Chairman, that in this legislation there is established a revolving fund of $20 million which will be used in the cleanup of these oil spillages. Of course, we know that where blame can be fixed, the expense of the cleanup will be paid back and that will keep the fund in an ongoing basis, because it is expected that the appropriation will be a one-time appropriation. It will also protect the vital beaches so the economy of an entire area will not be ruined because of an oil spillage when the Coast Guard, the Department of the Interior, or the Government does not know in which direction to point in fixing the blame. We must be prepared to take quick action against these spillages.

In 1967, when the first major oil crisis came with the crackup of the *Torrey Canyon* off the coast of England, it was seen at that time that even though work was begun immediately to try to combat the oil, much of it hit the beaches. It went into the harbors. It fouled the shoreline. About a month and a half after that occurrence I visited the area, and found that although the beaches were clean, there were several problems that this seaside area still had. First, at that time we did not have enough research to know what kind of materials to use, and there was a kerosene base used in the dispersals. That left a tremendous kerosene odor along the beachfront area.

We found also that there were detergents used in this dispersal which, in many instances, caused shellfish and other fish to be ruined and sport fishing to be stopped for many years in the area.

In one town after another, whether it were Port Land's End, or St. Ives, we found the people concerned about the economic future of their area. They were

telling the people in London and around England that the beaches were cleaned up now that summer was coming. Come and visit us. And, naturally, spend your money here. But they found that because of the uncertainty, because the people in the country did not want to take a chance on those beaches being clean, many of them, in the case of the village of St. Ives, had its summer economy damaged to the tune of 90 percent of the previous year's income. The Ocean Eagle, which the gentleman from Massachusetts discussed a moment ago, pointed out the need for a program. We are very happy that a program is now being implemented which we hope will soon be approved by the President when it is presented to him so that the Coast Guard will have the responsibility and the authority to move quickly in this area and be able to clean up our beaches. There are many other areas of oil pollution where we cannot depend on saying, "We will have the person who caused it pay for it."

Many of us found to our surprise just a year or so ago that around the coastline of the United States there are 103 known oil tankers—and their position is known—that had been sunk during World War II. We are not certain whether many of these tankers still contain oil. We feel some of them probably do. Now it is approximately 20 years later, and what would we do if these tankers should burst, as has been suspected in the past couple of years, and the oil from a World War II tanker should come to the shore?

Mr. Chairman, with this section on the revolving fund, we can be certain the economy of our seashore areas will remain constant and we will have protection of the Coast Guard, and the Coast Guard will be ready and willing to move so we can keep the economy of these vital resort areas producing revenues, which will help taxpayers all over the country.

Mr. Chairman, I am certain the bill will pass. I hope it will pass unanimously. I commend all the members of the subcommittee for bringing this fine legislation before the House.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I yield to the gentleman from Texas.

Mr. WRIGHT. Mr. Chairman, I think this committee and the House Members all are indebted to the gentleman from New Jersey for his pronounced interest in the matter of pollution of the beaches and shores of this and other countries. I am certain there is no Member of Congress who has more diligently pursued the effort to clean up the beaches of the country and to prevent insofar as possible further spillages. The gentleman from New Jersey has personally visited many places throughout the world, including Great Britain and Puerto Rico and places off the coast of New Jersey and elsewhere, in his vital interest in this matter.

Mr. HOWARD. Mr. Chairman, I thank the gentleman.

Mr. CRAMER. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. CLAUSEN).

(Mr. DON H. CLAUSEN asked and was given permission to revise and extend his remarks.)

[Mr. DON H. CLAUSEN addressed the Committee. His remarks will appear hereafter in the Extensions of Remarks.]

Mr. CRAMER. Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. STEIGER) such time as he may consume.

Mr. STEIGER of Wisconsin. Mr. Chairman, I rise in support of H.R. 4148, the Water Quality Improvement Act of 1969.

There is one particular portion of this act which I would especially like to call to the attention of my colleagues. That is section 5(g) which reads:

> The Secretary is authorized to enter into contracts with, or make grants to, public or private agencies and organizations and individuals for the purpose of developing and demonstrating new or improved methods for the prevention, removal and control of natural or manmade pollution in lakes, including the undesirable effects of nutrients and vegetation.

Mr. Chairman, there are over 100,000 lakes in the United States. In Wisconsin alone we have 8,676 lakes which cover a total of 1,138,374 acres. I think it is important to remember that 97.2 percent of all the water on earth is contained in the oceans. The ice caps and glaciers contain 2.15 percent. The remainder—only 0.65 percent of all the water on the surface and underground—is available to man for drinking, cooking, and such purposes necessary to sustain him and enrich his life. Put in this perspective, our inland lake resources become vitally important.

While the demand and need for water pollution control is growing money committed to cleaning the Nation's water resources does not match the priority of the job. And our lack of complete knowledge of the process of lake eutrophication and its contributing factors and in treatment of the situation, makes research and demonstration projects mandatory if our money is to be well spent and our fresh water resources enhanced.

Without the proper research and demonstration for control of pollution in lakes, we could very well spend large sums of money, and still not have the job done.

This is the importance of section 5(g) of this bill.

Mr. Chairman, I first introduced this provision as a separate bill in August 1967. Review of that bill by the Department of the Interior resulted in a new bill, H.R. 13312, which was supported by the Secretary and subsequently incorporated into the 1968 Omnibus Water Pollution Control Amendments. Although differences existed between the House and Senate on portions of the omnibus bill, both bodies approved the clean lakes provision.

Once again we have an omnibus water pollution control bill before us, and once again it includes the "clean lakes" provision.

Every year that passes makes our task more difficult and more demanding. I strongly urge favorable action on this bill.

(Mr. STEIGER of Wisconsin asked and was given permission to revise and extend his remarks.)

Mr. WRIGHT. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. FEIGHAN).

(Mr. FEIGHAN asked and was given permission to revise and extend his remarks.)

Mr. FEIGHAN. Mr. Chairman, we are considering legislation today which deals with the complexities of water pollution control. The Santa Barbara oil spill and other similar disasters have demonstrated the urgent need for improved laws in the control of water pollution. H.R. 4148, the Water Quality Improvement Act, is designed to respond to these particular needs in a number of ways. The bill makes the owner or operator of a vessel liable for oil discharge or spillage cleanup costs up to $10 million or $100 per gross ton. Criminal penalties would be imposed against individuals operationally responsible for vessels, who fail to promptly report a discharge of oil or other polluting matter to the Coast Guard or Secretary of the Interior. The bill also provides for civil penalties against vessel owners or operators in case of willful or negligent discharge and it authorizes the Government to clean up the damage to beaches from pollution regardless of source, providing for appropriate reimbursement by the offending business.

Mr. Chairman, the fact that oil is a serious water pollutant is clearly evident. From January 1968 through February 1969, a period of 14 months, the Great Lakes witnessed a total of 21 oil spills. In addition to its contamination of water, shoreline, and beaches, oil often has severe effects on fish and wildlife, shellfish, and recreation. The use of harmful chemicals to treat oil spills may in themselves, produce severe ecological damage.

In addition to oil, the discharge of untreated sewage from vessels and other installations is another major source of pollution. Installation of preventive devices for effective sewage treatment will be necessary if this bill is enacted. Several million dollars will also be channeled into extensive research, development, and training programs to achieve maximum effectiveness in the operation of our water quality control facilities.

Clean water should be a right of every U.S. citizen. It is the duty of the Government to maintain and protect this right. Unfortunately, the Government is not sufficiently protecting or maintaining this right. Recreational, commercial, and industrial interests have been severely impaired by the lack of adequate water pollution control throughout the Nation.

The Great Lakes area, in 1966, conducted over one-fourth of the Nation's manufacturing activity. Projected estimates for the Great Lakes area predict a doubling of the population within 50 years, with industrial activity increasing at least fourfold, if not more. Such forecasts are indicative of the immediate steps that must be taken to improve and maintain our water resources. A genuine

commitment to adequate preventive laws and sufficient funding so that new technological discoveries can be applied to all our Nation's waterways, is essential if we expect to achieve proper results. The people of Cleveland have expressed their wholehearted support for antipollution efforts by recently approving a $100 million bond issue to improve the water quality of Lake Erie.

An amendment will be offered calling for the establishment of a national pollution disaster fund to respond to the specific needs of the Great Lakes and other environmental disaster areas. The amendment, to be offered by my colleague, the gentleman from Ohio (Mr. VANIK), is almost identical to legislation we introduced earlier this year along with several other Members of the House. The amendment authorizes an appropriation of $100 million for the establishment of a pollution disaster fund within the Treasury Department to provide corrective relief to those areas in the Great Lakes, the Continental Shelf, or the United States, which are in environmental crises. To determine how these moneys are to be allocated, a seven-man Commission would be set up, composed of four experts in the field of biology, ecology, and conservation, and three representatives of the general public.

It is generally acknowledged that Lake Erie is one of the most severely polluted waterways in this country. This amendment will assist in upgrading the quality of its water as well as providing careful attention to the changing environmental conditions affecting the ecology of the water. It is the duty of this Congress to revive not only Lake Erie, but also our other water resources and to make them, once again, enjoyable and usable areas for the citizens of the United States. This amendment and the Water Quality Improvement Act of 1969 deserve our enthusiastic support.

Mr. WRIGHT. Mr. Chairman, I yield such time as he may require to the gentleman from Illinois (Mr. GRAY), a member of the committee.

Mr. GRAY. Mr. Chairman, I thank the gentleman for yielding.

(Mr. GRAY asked and was given permission to revise and extend his remarks.)

Mr. GRAY. Mr. Chairman, I rise in support of H.R. 4148, a great legislative blow at dirty water and stream pollution. This legislation is a real prescription for a healthier nation and its people.

Mr. Chairman, for years our scientific and technical expertise was not sufficient to find ways of eliminating the pollution of our lakes, streams, and rivers. We did not know as much about industrial waste and sewerage disposal plants.

Thanks to our great American know-how, we have the methods but not enough money. States, local communities, and private industry can not do the job alone. They must have help.

For every Federal dollar we spend we will see many times more in non-Federal money invested in clean water. Without the Federal money being available as seed money, the other sources will not be moved to invest. This is why we must continue the great work started by the Congress.

We must find ways of attaining the funds for this program.

The bill is another step forward. It brings in to full pollution control for the first time—oil spillage and sewage from oil wells as well as thermol pollution. It continues needed and necessary research in all fields affecting polluted water. Coming from southern Illinois where we have the Ohio River on one side of my district and the Mississippi on the other, with four major river basins in between, we certainly know how difficult it is to find enough funds to stop pollution. With the help of the Federal Government we are now doing the job. I want to commend our great chairman of the full Committee on Public Works, the gentleman from Maryland (Mr. FALLON), the outstanding chairman of the Subcommittee on Rivers and Harbors, the gentleman from Minnesota (Mr. BLATNIK), all the members of the committee on both sides of the aisle. I also want to thank our outstanding general counsel of the committee, Mr. Sullivan for his untiring efforts. It is a real privilege to serve on this important committee of the House and to be able to recommend to my colleagues the enactment of this most important bill.

Mr. WRIGHT. Mr. Chairman, I yield 5 minutes to the gentleman from Oklahoma (Mr. EDMONDSON).

Mr. EDMONDSON. Mr. Chairman, I rise in support of H.R. 4148, and I want to express my personal appreciation to the very able chairman of our full committee and several subcommittee chairmen who have joined in working on this bill, along with, I believe, one of the most able staffs in the Capitol—the staff of the Public Works Committee operation.

The bill, H.R. 4148, does a number of things which seems to me to be long overdue.

One of the things it endeavors to do is to promote a much better program of cooperation among the Federal agencies in the control of pollution. One of the strange and embarrassing things about the pollution problem which exists in many areas is that the Federal Government itself has sometimes been a culprit with considerable responsibility for the pollution problem which is present. This is something that subsections 11(a) and 11(b) endeavor to deal with.

Subsection 11(a) requires that every Federal agency having jurisdiction over any real property or facility of any kind shall, within available appropriations and consistent with the interests of the United States, insure compliance with applicable water quality standards. This section puts into law what is now contained in an executive order. It deals directly with procedures for control of pollution caused by the administration or actual operation, either directly or by contract, of federally held real property or facilities.

In attempting to insure that Federal facilities will be in compliance with the applicable water quality standards, the problems to be considered, the priorities to be assessed, and the relative values and public interests to be weighed, are very much akin to the problems, priorities, and interests which must be taken into account by a State when it is establishing water quality standards for a given area, by industries when they are making decisions on how and where they will expand capital investment, and by local governments in attempting to achieve a balance among health and welfare, economic development potential, and supportable tax structure.

The Federal Government must allocate its available tax revenues among a great many priorities. Subsection 11(a) is designed to insure that the maximum extent possible, the Federal Government will conduct its own operations in a manner to control and prevent water pollution.

To further insure that the Federal Government will cooperate to the maximum extent possible with the States in achieving compliance with water quality standards, Subsection 11(b) requires that any applicant for a license or permit from a Federal agency when the activity involved will discharge into the navigable waters must first obtain from the State or States involved a certification that the operation of the activity will not reduce the quality of the water below the State's water quality standards.

There are some instances in which a State or interstate agency may at least for the present not have the authority to issue the certification and there are other instances in which water quality standards are issued by the Secretary. In both cases, the Secretary will provide the required certification. Where licenses or permits are required for more than one Federal agency for the same activity, the certification obtained for the first license involved will be sufficient for the succeeding licenses and permits. This is to insure that neither the applicant nor the State be burdened with duplicating permits for a single activity. However, if either the Secretary or a State has reason to believe the original certificate is not sufficient for succeeding purposes, it may make its objections known and require additional certification.

The ability to use an original certificate for a succeeding permit does not apply, however, to an applicant for an operating license or permit. This situation arises specifically with respect to nuclear generating plants where considerable time elapses between the issuance of the permits for the building of the plant and the operating license for its actual operation.

This time lag can be anywhere from 4 to 7 years, and construction plans upon which the construction permit is based are not always sufficiently precise to insure the kind of operation that is contemplated. Also, because of the length of time involved, external as well as engineering changes could occur, and we believe the additional safeguard of obtaining a second certification at the time the operating license is obtained is necessary.

A further safeguard has been written into this section to take care of the situation where actual physical construction of the facility itself has been started prior to enactment of this act. Actual physical construction means excavation or building. Property acquisition, con-

struction of roads or similar preliminary activity would not satisfy the requirement for exemption from certification. In the case where the license or permit has already been issued, a 2-year period beginning with the date of enactment is granted and within that time the person having the permit is required to obtain the certification otherwise required. Two years seems an adequate time to bring the existing construction into conformance.

Renewals of licenses or premits which come within this section are considered to be new applications for the purposes of this act.

A wide variety of licenses and permits—construction, operating, and otherwise—are issued by various Federal agencies. Many of them involve activities or operations potentially affecting water quality. The purpose of subsection 11(b) is to provide reasonable assurance that no license or permit will be issued by a Federal agency for an activity that through inadequate planning or otherwise could in fact become a source of pollution.

The language of the legislation is intended to eliminate duplicating certification requirements, and to afford a safeguard against to broad a use of the single certification.

(Mr. EDMONDSON asked and was given permission to revise and extend his remarks.)

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. I yield at this time to my good friend and one of the most respected Members of the House, the chairman of the Joint Committee on Atomic Energy, the gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. I thank my friend for yielding.

On page 8 of the report, the second paragraph from the bottom, starting with the words "the Atomic Energy Commission has informed the committee," there are outlined a number of individuals and facilities which are licensed by the Commission to possess and use limited quantities of nuclear materials that might, in minute quantities, be disposed of through a waste disposal system. It is said, "It is not intended that subsection 11(b) apply to these specific types of licenses or permits."

I am a little concerned that the delineation of just those few entities might preclude others in the same category, so I will ask the chairman of the committee, Mr. FALLON, at this time a question with relation to the clarification of this part of the report.

My question is this: Am I correct in believing that the committee intended to exempt from subsection 11(b) coverage activities under AEC license not involving discharges directly into navigable waters, and not just those activities specifically identified in the report on H.R. 4148, on page 8?

Mr. FALLON. I say to my distinguished colleague that he is correct. The language on page 8 of the committee report concerning the inapplicability of subsection 11(b) to certain AEC materials licenses was intended to be illustrative, not selective or exhaustive. Where the discharge from the licensed activity will be in minute amounts and will not be disposed of directly into navigable waters, the license for any such activity is not subject to the subsection's requirements.

Mr. HOLIFIELD. I thank the gentleman very much for that clarification.

I want to say, I think this is a good bill, and I am supporting it. I am very much interested in control of water pollution, and I appreciate particularly the handling of the problem as a result of the oil spillage in the Santa Barbara channel off the coast of California.

There are one or two other little points in the bill I may want to discuss tomorrow, during the amending period. Otherwise. I think it is a very good bill and I intend to support it.

I thank the gentleman for yielding.

Mr. EDMONDSON. I thank the gentleman from California.

May I say, on behalf of the entire Committee on Public Works, we deeply appreciate the manner in which the gentleman from California, as the chairman of one of the major joint committees of the Congress, has brought to the committee's attention in detail questions which that committee which he heads has raised concerning this legislation.

I think that the presentation that was made to our committee on this subject by the gentleman from California (Mr. HOLIFIELD) has been most helpful to an understanding of the problems of the Atomic Energy Commission by our committee. I am hopeful that it will be possible to work out tomorrow, when we get to the stage of considering amendments under the 5-minute rule to this bill, language that will be acceptable to the gentleman and his committee in connection with sections 11(a) and 11(b), which I understand created most of the concern in his committee.

Mr. HOLIFIELD. I thank the gentleman for his interest and mention to the House the fact that the gentleman from Oklahoma is now the latest member of the Joint Committee on Atomic Energy and rapidly becoming one of the valuable members of that committee. I do appreciate his assistance as well as the assistance of the staff of the Committee on Public Works as well as the chairman, the gentleman from Maryland.

Mr. EDMONDSON. I thank the gentleman very much.

I might add that we have had made available to us an excellent summary legal analysis on the Federal-State jurisdiction with regard to regulating atomic energy. At the appropriate time, when we go back into the House, I intend to ask permission to have this document made a part of the RECORD. This is a very fine piece of work and something that is useful to all of the membership both as a part of the permanent RECORD and also for study for tomorrow in advance of the consideration of amendments in which the gentleman from California has expressed interest.

The material referred to follows:

SUMMARY LEGAL ANALYSIS ON FEDERAL AND STATE JURISDICTION TO REGULATE ATOMIC ENERGY

In examining the Federal-State relationships respecting the regulation of atomic energy, it is important to note the history of the various legislative enactments concerning atomic energy. Under the Atomic Energy Act of 1946,[1] the Nation's first such legislation, atomic energy was enveloped in an almost air-tight Government monopoly. The possession, use, transfer, export, import, etc., of source, byproduct and fissionable materials[2] were subject to pervasive Atomic Energy Commission regulatory controls. Moreover, except in certain enumerated and very limited circumstances, facilities for the production of fissionable material (e.g., nuclear reactors) could not be owned by anyone (including agencies and departments of the Federal Government) other than the AEC,[3] and under no circumstances could there be ownership of fissionable materials by anyone other than the AEC.[4] The Act wrought modifications of the patent system unprecedented in American history—certain inventions and discoveries pertaining to atomic energy were removed entirely from the regular patent system,[5] and certain others, while patentable, were subject to compulsory licensing if found by the Commission to be affected with the public interest and such licensing was "necessary to effectuate the policies and purposes of this Act."[6]

Certain of these rigid controls were relaxed at the time of the passage of the superseding Atomic Energy Act of 1954,[7] but even so, it can be said that, with respect to the Commission's assigned areas of responsibility, few other statutes confer upon an executive agency the broad powers with which the AEC is endowed by the Act's terms. The patent provisions of the 1954 Act, while somewhat less far-reaching than those which existed under the 1946 Act, represent marked departures from the normal patent system in terms of the controls which they vest in the AEC over atomic energy inventions and discoveries. The earlier Act's virtual prohibition against private ownership of "utilization facilities" (e.g., nuclear power reactors) was removed with passage of the 1954 Act;[8] however, it was not until a Congressional enactment as recent as 1964[9] that private ownership of the fuels for such facilities (i.e., special nuclear material)[10] became permissible. Moreover, authority for the AEC to impose a comprehensive and detailed regulatory control scheme upon the possession, use, transfer, export, import, etc. of source, by-product and special nuclear material continues to reside with the Commission under the Act.[11] Absolutely no mention was made by Congress in the 1954 Act of a role for the states in the regulation of these materials, and except for one limited provision[12] not relevant to radiological considerations, no notice was taken of a role for the states in the regulation of nuclear power reactors.

As atomic industrial activity and the number of trained personnel grew in the years following passage of the 1954 Act, and as classification restrictions on atomic information were lifted, some states began to develop an interest in applying their general health and safety powers to the atomic activities being carried on within their borders. In that context, Congress was persuaded of the advisability of legislation offering to the states a role and thereby clarifying the respective roles of the AEC and the states under the Atomic Energy Act. For that primary purpose, Congress added Section 274 to the Act in 1959.[13] Under that section the Commission may relinquish to states, on a state-by-state basis, certain of its authority to regulate the use of reactor-produced isotopes, the source materials uranium and thorium, and small quantities[14] of special nuclear materials. (These materials collectively are referred to as agreement materials.) In order to relinquish any such authority the Commission must find that the state's regulatory program is adequate to protect the public health and safety and is compatible with the AEC's regulatory program. The Act specifically re-

Footnotes at end of article.

serves certain areas to the Commission, such as regulation of the construction and operation of nuclear reactors (including the discharge of radioactive effluents from the facility site [15]), the export and import of agreement materials, and the ocean disposal of radioactive wastes. To date nineteen states have entered into agreements with the AEC to assume the regulatory responsibilities transferable under Section 274.[16]

If any shadow of a doubt existed prior to 1959 that Congress intended to preempt the regulation of atomic activities insofar as radiation protection is concerned, the abovementioned amendment should have dispelled that doubt. According to the House and Senate reports on the legislation which became Public Law 86-373,[17] it was the intention of that law to clarify the responsibilities of the Federal Government, on the one hand, and state and local governments, on the other, with respect to the regulation of byproduct, source and special nuclear materials in order to protect the health and safety from radiation hazards. The report states:

"It is not intended to leave any room for the exercise of dual or concurrent jurisdiction by States to control radiation hazards by regulating byproduct, source, or special nuclear materials. The intent is to have the material regulated and licensed either by the Commission, or by the State and local governments, but not by both. The bill is intended to encourage States to increase their knowledge and capacities, and to enter into agreements to assume regulatory responsibilities over such materials." [18]

The comprehensive controls over the various nuclear materials, devices (including weapons) and facilities which the Atomic Energy Act of 1954 and its 1946 precursor lodged in the AEC; the paramount national interest in this highly sensitive and important field; the significant implications of these materials, devices, and facilities to public health and safety and the common defense and security; and Congress' utter silence in 1946 and 1954 on the role, if any, of the states in regulating the potential radiological hazards of source, byproduct and special nuclear materials—all of these quite clearly evidence a legislative intent to "occupy the field" to the exclusion of state regulation. If any further evidence were required of Congress' intention to preempt this field, the legislative history of Public Law 86-373 provides it in abundance—indeed, it fairly compels this conclusion. That Congress under the supremacy clause of the U.S. Constitution has the power to preempt an entire area of regulation with consequential suspension of state enactments touching thereon is well settled.[19]

Such published authorities as have considered the preemption question in the context of atomic energy unanimously agree that Congress has preempted substantially the whole field to the exclusion of the states except only state regulation pursuant to an agreement as provided in section 274.[20] For example, the Attorney General of Michigan concluded that:

"We are convinced that under the terms of the [Atomic Energy Act of 1954, as amended] viewed in the legislative history of the 1959 amendment and [in] light of "all that bears upon its purpose and meaning," Congress intended to place the exclusive and primary responsibility for regulation of radiation hazards for the protection of the public health and safety in the peaceful use of atomic energy; i.e., source, byproduct and special nuclear material as defined in the Act in the Atomic Energy Commission and that it has preempted this field of regulation, with provision for limited relinquishment thereof, under the terms of authorized agreements." [21]

The Attorney General of South Dakota similarly concluded that:

"It is my opinion that the Federal Government has preempted the field of protection of public health from the radiation hazards associated with atomic energy. 42 U.S.C.A. § 2012, 2014(c)." [22]

The New York State Bar Association's Committee on Atomic Energy, in a study of the agreement between the State of New York and the Atomic Energy Commission, came to the same conclusion. Its report stated:

"While the United States Supreme Court has never been required to determine whether the Atomic Energy Act has pre-empted the regulation of atomic activities for radiation protection purposes, it seems clear that Congress intended so to pre-empt, if not by the provisions of the 1954 Act, then, certainly by means of the Federal-state amendment in 1959. In the latter amendment, Congress came perhaps as close as it has ever come to stating expressly that a regulatory area has been pre-empted." [23]

This conclusion is particularly significant because the study stemmed from a provision in the agreement between the State of New York and the Commission which indicated that there were apparent differences of opinion between the Commission and the State as to the jurisdiction of each.

While, as noted above, the U.S. Supreme Court has not specifically ruled on the question of preemption under the Atomic Energy Act, it is significant to note that the two state courts before which the question has been raised both agreed that such preemption had occurred.[24] In addition, it is interesting to note that the National Association of Attorney General has reviewed the law and the proposed transfer of regulatory responsibilities from the AEC to the states and has endorsed the program. On April 25, 1962, the Association adopted a resolution favoring transfer of regulatory responsibilities, the resolution reading in part: "Be it resolved . . . that all states are urged to accelerate the adoption of such legislation and the development of such programs as will permit the states to enter into agreements with the Atomic Energy Commission pursuant to P.L. 86-373." It is doubtful that any State's Attorney General would endorse such a program unless he was confident that the responsibility rested with the Federal Government and that it could be transferred to the states.

The American Bar Association has also endorsed a program of state assumption of atomic energy regulatory responsibilities from the Federal Government, as did the Governors' Conference in a resolution adopted on July 2, 1962. It might also be noted that such other organizations as The Council of State Governments and the Chamber of Commerce of the United States have approved the practice of a transfer of AEC regulatory responsibilities to the states, without any expression of concern that a constitutional issue exists in this connection.

Of course, it is not meant by any of the foregoing to suggest that the regulation of source, byproduct or special nuclear material, or utilization or production facilities, from other than the standpoint of *radiological* health and safety is without the authority of the states; nor is it meant to suggest that the regulation, including regulation of the radiological effects, of radioactive materials other than those controlled by the Atomic Energy Act is beyond the reach of the states except pursuant to a Section 274 agreement.[25]

There remains the question whether the Federal Water Pollution Control Act (FWPC Act)[26] has the effect of vesting in the states any authority, by their participation in the setting of water quality standards, over the release of radioactive effluents, which had been preempted to the Federal Government by the Atomic Energy Act of 1954 as amended. Radioactive effluents from AEC licensed facilities are discharged to waters as "interstate" by the FWPC Act.[27]

The terms of the FWPC Act, of themselves, do not speak expressly to the preemption question.[28] The FWPC Act contains no express provision relating to state authority to adopt water quality standards applicable to radioactive affluents, or to the Act's relationship to the Atomic Energy Act.[29] The legislative history of the 1965 amendments to the FWPC Act, which added the water quality standards provisions, indicates that no consideration was given to possible effects on the jurisdiction of the AEC under the Atomic Energy Act.

It appears quite clear, however, that the FWPC Act does not affect the AEC's preempted jurisdiction over radioactive effluents. The FWPC Act provides for the establishment of standards applicable to interstate waters which become effective only when approved by the Secretary of the Interior, if established by the state, or when promulgated by the Secretary in the absence of acceptable state standards. The standards thus promulgated by the Secretary are then used in the Federal enforcement proceedings authorized by the FWPC Act.

Nowhere does the FWPC Act speak in terms of *a grant of authority* to the states to set water quality standards. Prior to the passage of the 1965 amendments, which added water quality standard provisions to the Act, the states had power, pursuant to the Tenth Amendment to the Constitution, to set water quality standards and to enforce them as to interstate waters within their boundaries.[30] In actuality, while at least three-quarters of the states had state legislation directing or permitting the establishment of water quality standards and/or stream classifications, not all these states had actually adopted standards. In the States which had adopted standards, both the content of the standards and the method of application varied. [31]

While, in theory, individual states could, on the basis of such standards, abate pollution in interstate waters within their boundaries, such action was not likely to be undertaken without the cooperation of other states involved in the pollution.[32]

If Federal abatement action were undertaken, a choice among, or determination of, standards to be used in arriving at abatement measures had to be made. Thus, the statutory pattern of the Federal Water Quality Act of 1965, now embodied in the FWPC Act, was to provide for the establishment of water quality standards consistent with the expressed purposes of the Act, to be achieved through review and approval, or promulgation by, the Secretary of the Interior, for use with respect to interstate waters. While the FWPC Act was intended to encourage the states to develop water quality standards initially, it did not grant them new authority; indeed, as noted above under the discussion of the states' reserved powers under the Tenth Amendment, except for the preempted (and limited) field of regulation of the radiological effects of atomic energy materials on interstate waters—about which the Act and its legislative history are utterly silent—no grant to the states of new standard-setting authority was necessary to achieve the expressed purpose of the Act. Far from showing an indication that the states expected to add to their jurisdiction over discharges, the hearings on the Federal Water Quality Act of 1965 exhibit a concern on the part of the states and their representatives that the legislation would preempt the field to the Federal Government through the requirements for approval of state standards and/or setting of standards by the Federal Water Pollution Control Administration for use in Federal enforcement proceedings.[33]

On the other hand, the Atomic Energy Act clearly reserves to the Federal Government

Footnotes at end of article.

the field of regulation of atomic energy, except as that jurisdiction has been relinquished to the states under agreements entered into pursuant to section 274. The FWPC Act, as noted *before, did not grant any new* authority to the states, but has provided a mechanism for approval of state standards as a basis for subsequent Federal action against polluters. Thus, the state role under that statute may be viewed as limited, at most, to establishment of standards which the states have authority to adopt. By reason of the preemption to the AEC of jurisdiction over regulation of byproduct, source and special nuclear materials, states have no jurisdiction to adopt standards relative to such materials, including those contained in effluents, in the absence of an agreement with the AEC. Those states which have entered into agreements are, by the terms of the agreements, obligated to use their best efforts to assure that their regulatory programs continue to be compatible with the AEC's program.[34]

One final thought deserves brief mention. If, contrary to the view expressed above, the Federal Water Quality Act of 1965 could be construed as a grant of authority to the states, this together with the fact that such authority was granted subsequent to enactmen of he Atomic Energy Act of 1954 and section 274 thereof in 1959 would in no way disturb the foregoing conclusions. It is a recognized principle of statutory construction that subseqeunt legislation is not presumed to effectuate an amendment of a law not under consideration, in the absence of an express amendment, unless the terms of the subsequent act are so inconsistent with the provisions of the prior law that they cannot stand together.[35] No such incompatibility or inconsistency would appear to exist here as to require invocation of the exception to this general rule of statutory construction.

Based on the foregoing, it seems clear that the Atomic Energy Act and the FWPC Act can and should be construed together so as not to disturb the jurisdiction of the Commission, vis-a-vis the states, under the Atomic Energy Act. This would have the effect of leaving intact the statutory scheme of section 274 which contemplated, among other things, that regulations for protection against radiation hazards should be as consistent as possible, while at the same time preserving the complementary jurisdiction of the states and the Department of the Interior in the area of water pollution.

FOOTNOTES

[1] Public Law 585, 79th Cong., 60 Stat. 755–75 (1946), hereinafter referred to as the 1946 Act.

[2] The terms source material, byproduct material, and fissionable material were the names given to the various nuclear materials controlled by the 1946 Act, and were defined respectively in Sections 5(b)(1), 5(c)(1), and 5(a)(1) thereof. The term "fissionable material" was replaced by the term "special nuclear material" under the Atomic Energy Act of 1954. See footnote 10, *infra*.

[3] Sec. 4(c)(1), 1946 Act.

[4] Sec. 5(a)(2), 1946 Act.

[5] Sec. 11(a)(1), 1946 Act.

[6] Sec. 11(c)(2)(A) and (B), 1946 Act.

[7] Public Law 83–703, 68 Stat. 919 (1954), as amended, 42 USC 2011–2281, as amended, hereinafter referred to as the 1954 Act.

[8] The terms "production facility" and" utilization facility" are defined in Section 11 v. and cc. of the 1954 Act. Except for certain military activities involving the Department of Defense, no person within the United States may transfer or receive in interstate commerce, manufacture, produce, transfer, acquire, possess, use, import, or export any nuclear reactor, nuclear fuels reprocessing facility, fission product conversion and encapsulation plant, or other utilization or production facility except under and in accordance with a license issued by the Commission pursuant to section 103 or 104. Sec. 101, 1954 Act.

[9] Public Law 88–487, 78 Stat. 604 (1964), the so-called Private Ownership of Special Nuclear Materials Act.

[10] The term is defined in Sec. 11 aa., 1954 Act. Essentially it refers to plutonium, uranium 233, and uranium enriched in the 235 isotope.

[11] See Secs. 53, 62 and 81, 1954 Act.

[12] Sec. 271, 1954 Act, as amended by Public Law 89–135, 79 Stat. 551 (1965).

[13] Public Law 86–373, 73 Stat. 688 (1959).

[14] I.e., quantities not sufficient to form a critical mass.

[15] IO CFR § 150.15(a)(1) (1965).

[16] Alabama, Arizona, Arkansas, California, Colorado, Florida, Idaho, Kansas, Kentucky, Louisiana, Mississippi, Nebraska, New Hampshire, New York, North Carolina, Oregon, Tennessee, Texas and Washington.

[17] H. Rept. No. 1125, S. Rept. No. 870, 86th Cong., 1st Sess. (1959).

[18] Id. at 9.

[19] See Corwin, *Constitution of the United States of America* (1963), p. 807.

[20] See, e.g., Mich. Ops. Atty. Gen. No. 4073 (1963); Cavers, *State Responsibility in the Regulation of Atomic Reactors*, 50 Ky. L.J. 29, 29–32 (1961); Estep & Adelman, *State Control of Radiation Hazards: An Inter-Governmental Relations Problem*, 60 Mich. L. Rev. 41 (1961); Committee on Atomic Energy, N.Y. State Bar Assn., *State Jurisdiction to Regulate Atomic Activities: Some Key Questions* (July 12, 1963).

[21] Opinion No. 4073, October 31, 1962, pp. 6–7.

[22] Official Opinion, July 23, 1964, p. 2.

[23] Committee on Atomic Energy, N.Y. State Bar Assn., *State Jurisdiction to Regulate Atomic Activities: Some Key Questions* (1963), supra note 20, pp. 4–5.

[24] Boswell v. City of Long Beach, 1 CCH Atom. En. L. Rept. 4045 (Cal. Super. Ct. 1960); Northern Cal. Assn., etc. v. Public Utilities Commission, 37 Cal. Repts. 432, 39 P. 2d 200 (1962).

[25] E.g., radium, radioactive materials produced in accelerators, X-ray machines, and fluoroscopes.

[26] 33 U.S.C. 466 *et seq.*

[27] That Act defines "interstate waters" as "all rivers, lakes and other waters that flow across or form a part of State boundaries, including coastal waters" (33 U.S.C. 466 j(e)).

[28] Section 466 c. does, however, provide that nothing in the Act "shall be construed as impairing or in any manner affecting any right or jurisdiction of the States with respect to the waters (including boundary waters) of such States."

[29] Section 14 of the FWPC Act (33 U.S.C. 466 k.) which provides that the Act shall not be construed as, among other things, superseding or limiting the functions, under any other law, of any other officer or agency of the United States, relating to water pollution, is not dispositive of questions of preemption. Since this section has not been changed by any of the various amendments to the Act since 1948, including those subsequent to the addition of section 274 to the Atomic Energy Act which set forth, in more or less clear terms, the extent to which states could exercise jurisdiction over byproduct, source and special nuclear material, its retention is evidence of Congressional intent to preserve the exclusive jurisdiction of the AEC with respect to discharges containing such material. However, the terms of the section are not necessarily inconsistent with a withdrawal of Federal preemptions and "restoration" of some jurisdiction over atomic energy materials to the states.

[30] It may be noted that the Federal Water Pollution Control Administration, in its regulation relating to procedures for adoption and promulgation of state standards (18 CFR Part 620), described them (§ 620.2(a)) as "Water quality standards adopted and promulgated by a State in accordance with applicable State law and with section 10(c) of the Federal Act" (33 F.R. 2632).

[31] See Water Pollution Control Hearings Before the Subcommittee on Air and Water Pollution, Senate Committee on Public Works, on S. 649 et al., 88th Cong., 1st Sess., pp. 119–122. S. 649 was a bill to amend the FWPC Act, which passed the Senate in the 88th Congress, and contained provisions for establishing water quality standards for interstate waters somewhat similar to those in the bill passed by the 89th Congress which became P.L. 89–234, the Water Quality Act of 1965.

[32] A description of the practical difficulties in state adoption and enforcement of water quality standards is found at 111 Cong. Rec. 8287–8 (April 28, 1965).

[33] The Assistant Secretary of Health, Education and Welfare, Mr. Quigley, emphasized, in response to questions from Representative Harsha of Ohio, that no federal preemption was intended, and that there was nothing in the legislation to prevent the states from raising their standards above the levels set by the Federal Government. (Water Pollution Control Hearings on Water Quality Act of 1965 before the Committee on Public Works, House of Representatives, 89th Cong., 1st Sess., February 18, 19 and 23, 1965, pp. 80–81.)

[34] It should be noted that section 274 of the Atomic Energy Act also establishes the Federal Radiation Council, and provides for its functions to include guidance for Federal agencies in the formulation of radiation standards and in the establishment and execution of programs of cooperation with states.

[35] Frost v. Wenie, 157 U.S. 46 (1895); 1 Sutherland, *Statutory Construction*, pp. 365–6. Sutherland specifically discusses the question of abrogation of state law by Federal statutes and the revival of state legislation by repeal of Federal regulation (§§ 2026, 2027). The cases cited, however, all concern situations in which the Federal statute was expressly repealed or the obstacle to state action removed by express Congressional enactment.

Mr. CRAMER. Mr. Chairman, I yield such time as he may consume to the gentleman from New Hampshire (Mr. CLEVELAND).

(Mr. CLEVELAND asked and was given permission to revise and extend his remarks.)

Mr. CLEVELAND. Mr. Chairman, I rise in support of the Water Quality Improvement Act of 1969 and urge its approval by the House today. This legislation has evolved from the realization that existing laws are inadequate in meeting all situations in which pollution by oil is involved. The disaster which occurred off the coast of Santa Barbara, Calif., 3 months ago served to highlight the need for further legislation, and gave impetus to this bill.

The Water Quality Improvement Act of 1969 will give the President the authority and the means to act quickly should another disaster like that at Santa Barbara, or one like the breakup of the tanker *Torrey Canyon* off the coast of England, occur within our territorial waters. It sets up a revolving fund to clean up oil pollution. It levys a civil penalty of up to $10,000 in cases involving willful or negligent discharges of oil or matter in such quantities that it presents a pollution hazard. This legislation holds the owner or operator of a

vessel financially responsible for cleaning up the pollution which they caused.

The act also deals with the subject of research and development in the water pollution field, extending the research provisions of the Federal Water Pollution Control Act another 2 years.

REAL ISSUE IS FINANCING

Mr. Chairman, this bill does a great deal, but I feel that Congress is missing the point if it does not face up to the real issue involved in the whole question of how we control water pollution. That issue is the question of financing. For until Congress comes face to face with the question of where do we get the money to pay for all the programs we have passed, and resolves it, the quality of the water in our rivers and lakes will continue.

Almost every Congress since I have been here has enacted at least one water pollution control measure. The Land and Water Conservation Act of 1964, the Water Quality Act of 1965, the Clean Water Restoration Act of 1966, the Water Quality Improvement Act of 1968, these are a few that come to mind.

And yet, despite the gains we have made, and despite all this wonderful sounding legislation which we have enacted, the testimony which we heard recently in the Public Works Committee indicates that the situation is only getting worse. And so, Mr. Chairman, until we face the question of financing, we will find that the legislation we pass today, like that which we have enacted before, will be precious little help in combating the pollution hazard which this Nation faces.

I have been in contact with State officials in New Hampshire to assess the opinions on this legislation. Their words have a familiar ring. Mr. William Healy, executive director of the New Hampshire Water Supply and Pollution Control Commission, says the bill is fine, but of little use to him unless there is some money behind it. Mr. Clarence Metcalf, director of municipal services for the same commission, said that within 6 months New Hampshire will have in excess of $10 million in projects waiting to be funded.

Mr. Metcalf expresses the commission's concern over the greatly reduced funding of water pollution control programs at the Federal level, and urges increased appropriations in fiscal year 1970 for the Clean Waters Act.

Still, it is obvious from looking at the state of the Federal budget today, there is little real prospect of additional revenue from pollution control programs from this source. This is a reality, and it is best we recognize it as such immediately and begin to look at other sources.

One suggestion which holds some promise has been the use of tax credits to industries who construct sewage treatment facilities. There is no question that industry—not to mention the Government itself—is one of the most serious pollutors of our waters. Too few industries, however, do anything to reduce the amount of sewerage which they pour daily into our streams and rivers. A system of tax credits might provide the needed incentive for them to take the necessary steps in reducing their own pollution.

Another proposal, and one which I favor, would be similar to the highway trust fund, where those who use the highways pay a tax to do so. This money is placed in the trust fund, and used to construct new roads and improve old ones.

WATER POLLUTION CONTROL TRUST FUND

Similarly, if Congress established a water pollution control trust fund, those who use our waters and are contributing to its pollution would pay a tax on it. This money would then be used to finance the construction of sewage treatment plants and other facilities used in the fight against pollution.

Mr. Chairman, I hope the Congress will give immediate attention to the question of financing, for unless we resolve this most crucial question, I am afraid the situation will only continue to deteriorate, and will contribute to the growing belief among our constituents that the Federal Government is not able to cope with the really serious problems which are facing this country today.

Mr. CRAMER. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. MILLER), a member of the committee.

(Mr. MILLER of Ohio asked and was given permission to revise and extend his remarks.)

Mr. MILLER of Ohio. Mr. Chairman, clean water should be of concern to every American. Much of our recreation, industry, and natural environment is dependent on adequate supplies of good water. Water is the very foundation of life itself.

It is imperative that the Federal Government enact stringent measures to protect our water sources from the abuse of pollution. Too many of our rivers and lakes have already been turned into lifeless sewers and cesspools by man's wantonness and neglect. The tragedy of Lake Erie must not be repeated in the other Great Lakes and then in the world's oceans. Our civilization must police itself or we will be progressively poisoned by our own effluents.

H.R. 4148 is a major step in the direction of preserving the remaining purity of our natural water sources. Hopefully we may even begin to reverse the pollution processes that have desecrated so many of our waterways.

A major provision of this bill places the responsibility for cleaning up after a marine pollution disaster where it should be—on the operator or vessel that caused it. If there is ever another *Torrey Canyon* or Santa Barbara catastrophe, there must be no question of legal liability for the resulting damages.

The grants authorized under this bill for scientific and technical training and research will be a wise investment in the future cleanliness of our waterways.

Mr. WRIGHT. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New York (Mr. MCCARTHY).

Mr. McCARTHY. Mr. Chairman, I thank the gentleman from Texas for yielding.

I will briefly explain a couple of the important sections of this bill.

Section 19 of the act sets up a program for demonstration projects to study methods for the elimination and control of acid or other mine drainage which results in pollution. The demonstration projects will be carried out under agreements with the States or interstate agencies and they are intended to demonstrate the engineering and economic feasibility of possible abatement techniques. The State share of the cost of the project would be at least 25 percent and to encourage the States to participate in the program, that 25 percent can be in the form of land, facilities, and services. An appropriation of $15 million for this program is authorized. No more than 25 percent of the available funds can be allocated to any one State in the program.

Section 4 of the act authorizes the Secretary to enter into contracts and grants with individuals, agencies, and organizations for research and development on the problem of lake eutrophication and other lake pollution problems. It also authorizes the Secretary to acquire lands and interests therein by purchase with appropriated or donated funds, or by donation, or by exchange, in connection with development of field laboratories, research facilities, and demonstration projects.

Section 4 contains the general authorization for the Secretary to undertake research studies, demonstrations, and so on, by grant, contract, or otherwise for the prevention or control of oil pollution, including the removal of oil discharges. This section further includes general authorization for the Secretary to engage in research relative to the equipment which will be required to meet the standards for control of sewage from vessels which are covered elsewhere in the act. It should be noted that with respect to this research, the Secretary is directed to file a report of his findings prior to the effective date of any standards to be established in connection with vessel sewage.

The general research, investigation, and training program contained in the basic act is extended for 2 additional years at the present funding level of $65 million.

Section 5 of the act extends for 2 additional fiscal years the project research authority already contained in the basic law and authorizes appropriations for each of fiscal years 1970 and 1971 in the amount of $60 million.

Sections 6 and 7 are technical amendments providing for the deletion or repeal where required of the Oil Pollution Act of 1924.

Section 8 changes the name of the Federal Water Pollution Control Administration. This is a positive program to achieve high water quality standards, and the name of the administering agency should adequately reflect this purpose.

Mr. WRIGHT. Mr. Chairman, I yield 5 minutes to the distinguished chairman of the subcommittee, the gentleman from Minnesota (Mr. BLATNIK).

(Mr. BLATNIK asked and was given permission to revise and extend his remarks.)

Mr. BLATNIK. Mr. Chairman, H.R. 4148 recognizes that waste from waterborne vessels is still another cause of

pollution of our Nation's waters. In view of our resolve to restore and enhance the quality of our water by controlling waste discharges from our municipal sewers and our industrial complexes, we cannot ignore the wastes emanating from waterborne vessels. It is presently most severe in bays, inlets, lakes, harbors, and marinas. These pollutants include sewage and other wastes. Many vessels are not equipped to provide even minimal treatment. With the growing popularity of recreation craft, corrective and preventive action must be set in motion now to prevent a more serious problem to our waters.

H.R. 4148 would—

Provide for the control of sewage from vessels including foreign vessels using our waterways and commercial and recreational vessels;

Direct the Secretary of the Interior to issue Federal standards of performance for marine sanitation devices for all vessels except vessels not equipped with installed toilet facilities, and it would direct the Coast Guard to issue regulations relative to the design, construction, installation, and operation of these devices on board such vessels;

Apply to existing vessels, the construction of which is initiated prior to issuance of the standards and regulations;

Apply to new vessels, the construction of which is initiated after issuance of the standards and regulations;

Provide that the initial standards shall be effective for new vessels 2 years after promulgation, but not earlier than December 31, 1971, and for existing vessels 5 years after promulgation; and

Provide that once the initial standards and regulations are effective a State or a political subdivision thereof may not adopt or enforce any law or regulation governing the design, manufacture, or installation of any marine sanitation device on board any vessel subject to the Federal standards or regulations. This would not, however, affect the State's authority to prohibit completely all sewage discharges from vessels in particular intrastate waters of the State, regardless of whether the sewage is treated or not.

In such cases, however, the State must also prohibit waste discharges from all other sources.

H.R. 4148 would also—

Provide for a system of certification by the Coast Guard of marine sanitation devices;

Provide for the establishment of civil penalties after notice and opportunity for a hearing; and

Provide that provisions of this section shall be enforced by the Coast Guard.

Watercraft are of course only one of the many sources of pollution that must be corrected, but as we previously noted this pollution is highly visable and noxious. It is our belief that H.R. 4148 takes major strides in controlling this source of pollution in a reasonable manner. It provides appropriate time where it is needed and yet takes the remedial steps which are necessary in preventing major problems in the future.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield for a question?

Mr. BLATNIK. I shall be glad to yield to the gentleman from Missouri.

(Mr. HUNGATE asked and was given permission to revise and extend his remarks.)

Mr. HUNGATE. On page 59, beginning on line 4, there is this language, "except that nothing in this section shall be construed to affect or modify the authority or jurisdiction of any State to prohibit discharges of sewage whether treated or not from a vessel within all or part of the intrastate waters of such State if discharges from all other sources are likewise prohibited."

Would that not mean that the States during this 5-year period could not prohibit the discharge of primary waste from a vessel as long as a city or village discharges waste that had primary or secondary treatment?

Mr. BLATNIK. Would the gentleman read the last part of his question again?

Mr. HUNGATE. It states in here that a State, as I read it, "except that nothing in this section shall be construed to affect or modify the authority or jurisdiction of any State to prohibit discharges of sewage whether treated or not from a vessel within all or part of the intrastate waters of such State if discharges from all other sources are likewise prohibited."

Mr. BLATNIK. It is my opinion that refers only to discharges of any and all sources that are prohibited at the present time.

For instance, you may have a bay where there is no discharge whatsoever, whether it be primary or secondary, and under that condition the State does have the right to prohibit the discharge from any vessel.

Mr. McCARTHY. Mr. Chairman, if the gentleman will yield further, if we have a small municipality which has a secondary treatment plant, under this provision as I read it, it could not prohibit the discharge of raw sewage from a vessel for 5 years even though it prohibits the secondary discharge of sewage from the village?

Mr. BLATNIK. Not for 5 years, but after the provisions of this law go into effect it would be only 5 years for old boats, but only 2 years for new boats. But I would believe the State would have the right, and the Federal Government could not preempt the State's authority, to insist that there be compliance with definite standards which certainly could not be less than the standards that the municipality would comply with.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WRIGHT. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. WALDIE).

Mr. WALDIE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I have asked for this time in order to ask the gentleman a series of questions, and to establish some legislative history.

Is it the understanding of the gentleman that the words "water pollution" would include an act that would result in salinity intrusion, if a fresh-water body, for example, was altered in quality by saline intrusion into that body, would that be an act of pollution?

Mr. WRIGHT. In reply to the inquiry of the gentleman from California, as to whether saline materials could be described as matter under the terms of the bill, would depend entirely upon their listing by the Secretary. The Secretary has been directed to compile a list of hazardous materials. Now, there is no question but that excessive salinity in certain circumstances can be a serious pollutant to water.

For that matter, the United States has recognized this responsibility under a treaty with Mexico to provide pure water to be discharged into Mexico from the Colorado River. However, I believe there must be borne in mind that discharge of a certain material might be hazardous in one case, and harmless in another.

Therefore the Secretary must take into consideration the environment into which the discharge would occur, and presumably also the establishment of certain quantitative requirements as to how much of the harmful substance would constitute a pollution hazard.

Mr. WALDIE. It would be my understanding that salinity intrusion being defined as a pollutant, would then require the respective States in the adoption of their water quality standards to set that as a criteria.

Mr. WRIGHT. There is no prohibition whatever against the State setting that, or any other stricter criteria than the Federal Government itself establishes.

Mr. WALDIE. I believe what I am attempting to establish is that the Congress went further in this act than not prohibiting the States from doing so, but that in fact the Congress instructed the States to define salinity intrusion as constituting pollution. And I call the attention of the gentleman to the concern that Congress has already expressed for the preservation of its estuarine areas, and to the damage that is done to those estuarine areas when there is diversion upstream of the fresh water flow into the estuary, and thereby resulting in an inflow of saline water intrusion damaging and destroying the ecological system of the estuary, and the economic benefits that are found in estuarian waters.

Mr. WRIGHT. The gentleman is correct, that this does constitute one precedent and recognition of excessive salinity as a harmful pollutant. I do not believe that where there exists in law a specific mandate from the States that in all cases salinity must be defined as being a pollutant, however, emphatically, there is nothing in the legislation——

The CHAIRMAN. The time of the gentleman has expired.

Mr. WRIGHT. Mr. Chairman, I yield the gentleman 2 additional minutes.

As I was saying, there emphatically is nothing in the legislation to prohibit a State from making this requirement, and it is the expectation that the Secretary will list all those susbtances which he deems to be hazardous.

For example, I call the gentleman's attention to paragraph 4 on page 48 of the bill which states very clearly:

> Nothing in this subsection shall be construed as preempting any State or political subdivision thereof from imposing any requirement or liability with respect to the discharge of oil or matter into any waters within such State.

Mr. WALDIE. If I may just pose one more question to the gentleman. In my

own State, California, the responsibility under this act of setting forth water quality standards and setting forth acts that constitute pollution vest in the State itself. Yet, the State itself is really the polluter by reason of their activities in diverting the fresh waters from the upstream flow into the San Francisco estuarian system. It is unreasonable to assume, unless they are compelled to do so, that they will place themselves in the role of becoming an active polluter—which, in fact, they quite clearly are.

The only real question I am asking the gentleman is—if within the concept of this bill, if a body of water that is fresh and is utilized for irrigation, for example for agricultural purposes, subsequently becomes salty water because of the diversion of upstream water that formerly prevented salt water intrusion—if that situation exists, does the person who has diverted the fresh water and thereby has permitted the salt water intrusion and destruction of the agricultural use—does that person become the polluter?

Mr. WRIGHT. The answer would have to be that the extent of the pollution, if any, and whether or not it constituted a hazard under the meaning of the act, would be up to the determination of the Secretary under the terms of the act.

Mr. WALDIE. The Congress has not in this bill given him that specific direction and said that it would be an act of polluting?

Mr. WRIGHT. The Congress has not specifically defined the quantities of matter which constitute a hazard under the meaning of the bill. It leaves that to the determination of the Secretary since it would vary in numerous instances. Obviously, a small amount of salinity in a large body of water could be harmless while a large amount of salinity in a limited quantity of water could be extremely harmful and destructive of crops or destructive of other forms of animal or vegetable life.

Mr. WALDIE. I thank the gentleman. I hope that the present Secretary will act as his predecessor has acted and declare that salt water intrusion does in fact constitute pollution.

I also want to congratulate the committee for their excellent work in bringing this bill up for consideration and I am wholeheartedly in support of it.

Mr. WRIGHT. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. STRATTON).

(Mr. STRATTON asked and was given permission to revise and extend his remarks.)

Mr. STRATTON. Mr. Chairman, I am sure that the Members will be familiar with those famous lines that run, depending upon which particular version you happen to remember:

> High above Cayuga's waters
> With its waves so blue
> Stands our Noble Alma Mater
> Glorious to view.

I mention these lines this afternoon not because in the circumstances of today we have any new demonstrations or student strikes going on above Cayuga's waters at Cornell University, but rather because one of the problems to which this legislation addresses itself is the problem of thermal pollution.

And this problem is being faced today, urgently and seriously, by those same blue waters above which Cornell stands. Since part of this lake is in my district, I am concerned about its future.

Another part of it is in the district of my friend, the distinguished gentleman from New York (Mr. ROBISON), and since I have mentioned his college and his lake, I would now be very happy to yield to the gentleman briefly.

Mr. ROBISON. I thank the gentleman for yielding. I rose to correct the gentleman. The first word is "Far"—"Far above Cayuga's water,"—not "High."

Mr. STRATTON. I stand corrected by the Congressman whose district includes that distinguished university.

The problem in Cayuga Lake is that a nuclear-powered electric generated powerplant is soon going to be built on this very beautiful, relatively small, very slow moving lake; and if that nuclear powerplant is constructed without regard to thermal pollution, then the cool water at the bottom of Cayuga Lake is going to be taken out of the lake and used to cool the reactor and will be put back into the lake at a higher temperature.

Now, this may not seem like much of a problem, but this is what we mean by "thermal pollution." By gradually raising the temperature of a lake, you not only encourage the growth of weeds in the lake, which in the case of Cayuga Lake are already interfering with its use for recreational purposes, but you also destroy the fish and the wildlife.

I think it is important that as we deal in this legislation with various aspects of pollution we face up immediately to this relatively new problem of thermal pollution. There has been a good deal said this afternoon about oil pollution, for example, and we have some strong language in this bill dealing with the kind of tragedy that hit the beaches at Santa Barbara.

Unfortunately, what is being done about oil pollution comes after at least a good part of the barn door has already been left open, and we are being asked to close it now after a good deal of pollution has already taken place. With regard to thermal pollution, we ought to close this door before the horse leaves the barn. And I am just afraid that the thermal pollution section of this bill, although it does recognize and deal with the problem, will not go nearly far enough, because it provides in effect that the applicable State standards shall apply.

The fact of the matter is that in New York State, as in many other States, we simply do not have any really effective applicable State standards. The State Assembly has recently passed a very strong bill, but my information is that it is likely to die in the Senate, and even if it does get through the Senate the Governor may veto it. So I do not think we can afford to rely on that kind of State protection.

If they can get away with destroying Cayuga Lake and turning it into another Lake Erie, think what may happen to the lake in your district or your district.

If we begin the process of building nuclear plants in small lakes like Cayuga Lake, instead of on the ocean or fast-moving rivers, as we have done up until now, we can destroy not only this beautiful recreational section of the Finger Lakes, but we can destroy a lot of other recreational lakes as well. I think it is just not enough for us to rely on State standards that will not be effective at the start of the threat, when they are most needed. Many of the States have not even done the research in this field, as the Federal Water Pollution Control Administration has done it, and as the Secretary of the Interior has done it.

Therefore, I propose to offer on tomorrow, when we read the bill for amendment, an amendment which would merely give to the Secretary of the Interior the power with regard to thermal pollution alone, because this is a new field, and one in which, fortunately, we have not had much destruction so far, the power to set Federal standards which will apply to all facilities constructed with a Federal agency license, so that we can lock the door before the horse is stolen and thus can successfully avoid the debacle that we now face in connection with oil pollution.

Mr. ROBISON. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I am happy to yield to my colleague from New York.

Mr. ROBISON. The gentleman has mentioned the absence in New York State of criteria standards with respect to thermal discharge. However, the gentleman knows that the State water quality commission is holding public hearing on tentative criteria which would attempt to control this particular problem, and there is ample authority, in my judgment, under the existing public health laws of the State of New York for the water resources commission to adopt those standards.

The genleman mentioned bills before the legislature. Those bills might possibly strengthen the hand of the water resources commission in this connection, but I do not think we need further legislation for the State to act as it is.

Mr. STRATTON. I hope they will. There is no question about the fact that the State has authority to act. But I have been a little disturbed about some of the things I have heard. Certainly the State health department and the conservation department, which have the authority, have been very wishy-washy so far. That is why I think we should strengthen this bill at the very start, rather than waiting for the States to act. If we wait it will be too late for Cayuga Lake, and it could be too late for other lakes as well.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. CRAMER. Mr. Chairman, I yield 2 additional minutes to the gentleman from New York.

Will the gentleman yield?

Mr. STRATTON. I am happy to yield to the gentleman from Florida.

Mr. CRAMER. As I understand, the Federal Government is requiring the

States to provide water quality standards, and one of those standards required is to include thermal pollution. They are in the process now of negotiating what that thermal pollution standard should be within the respective States. So I would contemplate that in the not too distant future every State will have a thermal pollution standard established, and approved by the Secretary.

But I will say to the gentleman that when he starts talking about national standards, I do not think the gentleman from New York fully appreciates that in the State of Florida a certain number of degrees of greater heat than presently exists in a body of water that would result in a deleterious effect might be completely different with different locations in the United States. This is because that number of degrees, that might cause a disruptive effect in warm water, with other different environmental factors cannot be said to have the same effect in the cooler and different waters of a northern lake or in Alaska for instance?

The point I am making is that we do not necessarily want the same number or percentage of degrees above present temperature controls in one State, where it is warmer, and environmental conditions are different to be the same as that for the waters of another State, so I do not think we can have a national standard based upon what is known of thermal problems presently that would make much sense.

Mr. STRATTON. Mr. Chairman, if the gentleman will give me the time, I, too, would prefer not to have to set a national standard, but we are dealing with a shortage of time in this case. There may be approval by the Atomic Energy Commission to build a nuclear powerplant on the Finger Lakes within a few weeks. Therefore, I do not think we are likely to have any strong standards in New York State by the time this problem comes up. For that reason, I think we have to act now. If a precedent is set on Cayuga Lake, it could be carried out in the Finger Lakes or in lakes in the gentleman's State.

As the gentleman knows, the standards proposed do not involve an exact number of degrees but a certain percentage over mean temperature of the water or over the temperature of the water as it is on the surface. That kind of a standard could be applied nationally without any problem, as I see it.

Mr. CRAMER. Mr. Chairman, I would suggest to the gentleman there is not enough knowledge about what the ecological and other effects of thermal pollution will be, nor up to what degrees or percentages or otherwise above what exist at the present time. From lake to lake and State to State and level to level there are the different environmental circumstances that controlled and judged by the State after approval of the standards by the Secretary. I would suggest to the gentleman this is an area best left to the jurisdiction of States and particularly where States are required to act under present law anyway.

Mr. STRATTON. If there is any lack of research, I think it is in research which has been done on a State level. A good deal of research has been done by the Federal Government, and it is presently pretty clear as to what constitutes thermal pollution of our waters and what must be done to prevent it.

Mr. WRIGHT. Mr. Chairman, I yield to the gentleman from Hawaii 2 minutes.

(By unanimous consent, Mr. MATSUNAGA was allowed to speak out of order.)

STATUES OF FATHER DAMIEN AND KING KAMEHAMEHA I TO BE UNVEILED TODAY

Mr. MATSUNAGA. Mr. Chairman, at 4 o'clock this afternoon, the statues presented by the State of Hawaii of two of its most eminent personages for commemoration in the National Statuary Hall will be unveiled with appropriate ceremonies to be held in the rotunda of the Capitol. These are the statues of the Reverend Joseph Damien De Veuster, a Roman Catholic priest, and King Kamehameha I, the first monarch of all the island of Hawaii. In behalf of the people of Hawaii, I extend to the Members of this House a cordial invitation to attend the ceremonies.

Father Damien was born in Belgium in 1840 and came to Hawaii at the age of 24. He completed his studies for priesthood a few months after his arrival in Hawaii, and in May 1864, he was ordained in the Cathedral of our Lady of Peace in Honolulu. Nine years later, in 1873, after he had served in an area on the island of Hawaii where Kamehameha was born over 100 years before, Father Damien asked to be sent to the leper colony on the tiny island of Molokai. As the resident priest on Molokai, Father Damien served his unfortunate parishoners in almost every conceivable capacity. Because of the lack of doctors, he rendered medical services. He was also an administrator, undertaker, coffinmaker, gravedigger, builder of homes, and champion of the afflicted. His compassion for his flock knew no bounds, and he labored day and night for 16 years before he died of the disease himself at the age of 49. For over three-quarters of a century since the death of Father Damien, the story of his voluntary sojourn among the lepers of Molokai has been told again and again, and it continues to inspire men and women throughout the world.

King Kamehameha, the second citizen whom we honor, will be the first monarch to grace the Halls of the U.S. Congress. He was born in the late 1750's in Kohala, on the island of Hawaii, one of the four kingdoms into which Hawaii was then divided. He was said to have been born on a stormy winter night, under weather conditions indicating the nature of his future adult life. As one of the six lesser chiefs of his island district, young Kamehameha led the others in successful wars to insure an equitable distribution of land. After overcoming rival chiefs on the island of Hawaii, Kamehameha transported his large army on war canoes to Maui, Molokai, and Oahu, successively, and these islands, along with Hawaii, were unified under his rule in 1795. The two remaining islands Kauai and Niihau, were later ceded without a fight.

This unification of the islands into the Hawaiian kingdom was the foundation from which eventually emerged the Territory and still later the State of Hawaii.

(Mr. MATSUNAGA asked and was given permission to revise and extend his remarks.)

Mr. WRIGHT. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. VANIK).

(Mr. VANIK asked and was given permission to revise and extend his remarks.)

Mr. VANIK. Mr. Chairman, during the consideration of the Water Quality Improvement Act, I expect to offer an amendment to provide a special program for the solution of pollution problems of such dimensions that they are not even touched by the present legislation. I think they should be separately conconsidered as national water pollution disaster areas.

The legislation reported out by the committee provides no assistance whatsoever to so critical a problem as the Lake Erie problem with which the citizens of northern Ohio, northern Pennsylvania, and northern New York, and eastern Michigan are confronted. This Congress can no longer stand by while huge natural resources of this type are destroyed in our full sight and knowledge.

The legislation in its present form provides Ohio, along with all the other States, a sum of money which is based on a formula established under the law, with which I have no argument as far as it goes, except that it does nothing whatsoever to help us in northern Ohio solve what is the greatest problem with which we are confronted.

The people of my community have set aside a $100 million bond issue, in the city of Cleveland, to begin—just to begin—to solve the problem of reducing the contamination of Lake Erie. Under the law we consider today, we get no resources out of State funds, because the State programs are not oriented toward the most critical problem of Lake Erie pollution. These resources are used by the State for economic development, for the construction of facilities as an industry inducement. When industry goes into an area and needs a sewage system, then this money is used for economic development rather than to control or to provide some remedy for areas of existing pollution.

I should like, Mr. Chairman, to ask the chairman of the committee if, under the provisions of this bill, we can expect any help for a problem which is as severe as the Lake Erie problem? This problem is interstate, it is international, and it is beyond the capacity of any single State. What can we look for under the terms of this bill?

Mr. WRIGHT. In answer to the gentleman, the bill provides only for research into a means of assisting lakes such as the Great Lakes. It does not provide a broad or a meaningful assault upon existing pollution in those lakes, as the gentleman is very fully aware, he being completely cognizant of the water pollution legislation and he having appeared before our committee and having testified on this matter of the need for urgent attention to the lakes and particularly Lake Erie.

As the gentleman knows, the bill does not provide for a broad assault, such as the gentleman himself desired to be provided in the present legislation, on the existing pollution in lakes such as Lake Erie.

Mr. VANIK. Am I correct in understanding that under the formula provided under this bill the State of Ohio will receive about $9.5 millon as the proportionate share of the grant program money?

Mr. WRIGHT. That sounds about right, under the present level of appropriations. I would not want to be held pinpointed as to the precise amount.

Mr. VANIK. Will the gentleman tell me about other special provisions which are set forth in the bill, such as authorizing the sum of $15 million for the mine acid problem? Is that in the bill?

Mr. WRIGHT. Is that the mine acid drainage?

Mr. VANIK. Yes.

Mr. WRIGHT. The bill provides $15 million.

Mr. VANIK. If the committee in its wisdom and judgment decided to authorize $15 million for this specific problem, is it unreasonable to ask the committee to come forth with some special allocation for national pollution disasters like the Lake Erie problem?

Mr. WRIGHT. The gentleman is asking a question which lends itself to an answer by opinion rather than by fact. I am, as one member of the committee, quite sympathetic to the desires of the gentleman.

The gentleman is aware of all that has been attempted through the regular water control legislation by means of grants-in-aid to municipalities up and down the streams, which are polluting these lakes.

The gentleman is aware of the budget limitations under which we have suffered in our attempts to move that program forward more rapidly. The gentleman appeared before our committee and made a very eloquent and very moving statement as to the need for a massive assault on the pollution which created in Lake Erie a dead body of water, in effect, at the core of the lake, so lacking oxygen that plant and animal life cannot survive.

Mr. VANIK. May I ask the gentleman if there is any other problem that was presented to the committee that matches the Lake Erie problem in magnitude?

Mr. WRIGHT. The answer I think would be that pollution is a nationwide problem.

Mr. VANIK. No. I say, was there any other single problem that matched the magnitude of the Lake Erie problem?

Mr. WRIGHT. I know of no situation that is worse.

Mr. VANIK. I thank the gentleman.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WRIGHT. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. BLATNIK. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I yield to the distinguished gentleman from Minnesota.

Mr. BLATNIK. Mr. Chairman, I wish to associate myself first with the response made by one of our most productive and knowledgeable workers in water pollution, the gentleman from Texas (Mr. WRIGHT). Also I wish to emphasize not only sympathy but the very serious concern which we share with the gentleman from Ohio with respect to the plight of all the States in dealing with the problem of Lake Erie.

Some scientists have suggested as Mr. WRIGHT said, that it may already be, in a sense, a dead lake, in that unless massive measures are undertaken immediately, the problem may be almost irreversible. It is such a complicated problem, as I see it, that no matter how well we think we understand it—and I have spent considerable time on the technical and chemical aspects of the problem—no matter how effectively we try to control lake pollution from both industrial and municipal sources, the lake has already reached such concentrations in its accumulation of solids and other materials in colloidal suspension that even the technical experts are not sure what can best be done to alleviate it.

There is, for example, matter in a liquid form, such as acids and pickling liquors, and chemicals of all types that form a fluid with a heavier density than clear, pure water. This covers most of the bottom of the lake. Some scientists believe it cannot be flushed out; that no matter how much fresh water you would pour in, it would be just like pouring cream on top of milk. The cream would just slither across the top of it. The fresh water that you would pour in might come out at the other end, at Niagara Falls or Buffalo.

So we can see that we have a problem that is monumental and complicated as all get-out. No one knows what to do about the matter. But that does not mean that we should stop trying, or that we cannot act in other ways. There is nothing to prevent municipalities or State agencies or groups of States from getting together and using rather substantial funds which are available for aid in the form of demonstration projects or for trial grants. The kind of thing that you mentioned was done at Lake Barcroft could be done.

We know that more research is necessary. I agree with you that an enormous effort has to be made. Not only $100 million but several hundreds of millions of dollars will be required in order to clean out and to reverse the situation existing in Lake Erie so as to restore it to an acceptable level of quality and maintain it in accordance with the standards in existence now. The big problems are getting the tremendous amounts of money, and the technical knowledge, and to the limit they are available we will do everything we can to see that they are used effectively.

Mr. VANIK. I would hope, Mr. Chairman, that the Congress would not write off Lake Erie as a lost cause. I think it can be saved, and I am here pleading with you, my colleagues, for help. It is my opinion that we are now at the point where it belongs in this bill.

Mr. McCARTHY. Mr. Chairman, will the gentleman yield?

Mr. VANIK. Yes. I yield to the gentleman from New York.

Mr. McCARTHY. As the gentleman from Ohio knows, I joined in cosponsoring this pollution disaster relief bill. Coming from the shores of Lake Erie, also, I share the gentleman's concern, and I am urging the committee to consider holding hearings at an early date on the gentleman's bill with the hope that we can come up with something to deal with this particular problem.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. CRAMER. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. VANIK. I thank the gentleman from Florida.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I yield to the gentleman from Florida.

Mr. CRAMER. Of course, under the present law we are all concerned about lake pollution as we are river pollution and various other types of pollution throughout America. It is not only the Great Lakes but the entire country.

As I understand what the gentleman from Ohio is proposing is relief to the Great Lakes that is not now available to other equally polluted areas——

Mr. VANIK. That is right.

Mr. CRAMER. I do not know how the gentleman could justify it as compared to other polluted areas. Where is more money coming from for sewage treatment plants? As I understand the gentleman's proposal, many other areas throughout this Nation equally want such consideration and there are more needs for sewage treatment plant construction than we can fill at the present time.

We are authorizing $1 billion. The past administration recommended $214 million for appropriation out of the $1 billion authorization. The money just is not there under the present budget squeeze so as to even tool up the existing sewage treatment plant authorization, including Lake Erie. So where does the gentleman suggest the money would come from? He is recommending a special authorization and a specific sewage treatment plant for this area. This is only a small portion of the pollutant problem of these lakes. What does one do about industrial and other types of pollution?

Mr. VANIK. I might say that my amendment is not limited to sewage treatment plant facilities because the problem of Lake Erie is going to involve some other approaches to be determined by extended research and study. There are other things that must be done to save a decaying lake. This may require an aeration process and a dredging of the lake bottom in certain areas.

Mr. CRAMER. I will say to the gentleman that there is a presently existing section in the present law, section 5(f) which provides as follows:

(f) The Secretary shall conduct research and technical development work, and make studies, with respect to the quality of the waters of the Great Lakes, including an analysis of the present and projected future water quality of the Great Lakes under varying conditions of waste treatment and disposal, an evaluation of the water quality needs of those to be served by such waters, an evaluation of municipal, industrial, and

vessel waste treatment and disposal practices with respect to such waters, and a study of alternate means of solving water pollution problems (including additional waste treatment measures) with respect to such waters.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. CRAMER. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. VANIK. I thank the gentleman.

Mr. CRAMER. Mr. Chairman, if the gentleman will yield further, in this bill, as appears at page 76 thereof, section (g) reads as follows:

(g) The Secretary is authorized to enter into contracts with, or make grants to, public or private agencies and organizations and individuals for the purpose of developing and demonstrating new or improved methods for the prevention, removal, and control of natural or manmade pollution in lakes, including the undesirable effects of nutrients—

And so forth. The committee has not been oblivious to this problem. The gentleman is not really offering a solution to it unless you want to go into the payment of grants to all operations which contribute to the pollution of waters, including the operations of private enterprise.

Mr. VANIK. Does the gentleman agree that the Lake Erie problem is much different and its dimension is much greater than anything proposed in this bill?

Mr. CRAMER. I do, and that is why we included the Great Lakes in the last bill. That is why we are pinpointing the Great Lakes in this bill.

Mr. VANIK. What is there in the present bill to deal with a problem of such dimensions as the present problem which exists with reference to Lake Erie, a problem which is international, interstate, and beyond the capacity of any one State to cope with it?

Mr. CRAMER. There is $65 million in this bill to carry out this research.

Mr. VANIK. $65 million which is allocated to the several States just like the grant money.

Mr. CRAMER. Oh, no. No, it is not.

Mr. VANIK. It is parcelled out just like the grant money. There is nothing for the Lake Erie problem.

Mr. CRAMER. This problem is nationwide. It is not allocated to the States alone.

Mr. VANIK. May I ask the gentleman——

Mr. CRAMER. It is nationwide insofar as on the lake problem.

Mr. VANIK. May I ask the gentleman specifically how under previous authorizations it was allocated among the States?

Mr. CRAMER. The Secretary has authority to allocate the money according to where the problem is.

I agree with the gentleman wholeheartedly, I am not arguing with the gentleman, that Lake Erie and some of the other Great Lake areas have a serious problem, as the gentleman from Minnesota suggests, but this provides the tools to do something about it to the tune of up to $65 million. The Secretary can put any or all of this into the Great Lakes.

Mr. VANIK. Not one dime has gone into the Lake Erie problem.

The CHAIRMAN. The time of the gentleman has expired.

Does the gentleman from Florida wish to use further of his time?

Mr. CRAMER. I will yield back the balance of my time.

Mr. WRIGHT. Mr. Chairman, before the gentleman from Florida yields back the balance of his time, I wonder if the gentleman from Florida, from his great and generous heart, would share with this side some 6 minutes of his time in order that two Members of the House, the only two Members remaining who have asked for time, might be permitted to speak on this legislation, the two gentlemen being the gentleman from Illinois (Mr. PUCINSKI) and the gentleman from Michigan (Mr. DINGELL).

It is my understanding that we have 4 minutes remaining on our side, so I am wondering if we might borrow some time from our distinguished colleague from Florida.

Mr. CRAMER. Mr. Chairman, after the generous statement of the gentleman from Texas about the gentleman from Florida I am persuaded, and as a matter of fact I will not even ask for a payback of the time, and I will yield 5 minutes to the gentleman.

Mr. WRIGHT. I now yield 5 minutes to the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Chairman, I wish to thank my colleague from Florida and the gentleman from Texas for yielding me this time.

Mr. Chairman, I rise in support of the bill H.R. 4148. I believe this is landmark legislation. The gentleman from Maryland (Mr. FALLON), the chairman of the Committee on Public Works, and the gentleman from Minnesota (Mr. BLATNIK), the chairman of the subcommittee, as well as all of the members of the Public Works Committee on both sides, deserve the highest commendation of this House for bringing this very important and historic bill to the floor of the House for action.

I would like to call the attention of my colleagues to the two scripts that I put into the RECORD yesterday. They appear on page E2865. These are scripts which were used in two excellent programs produced by the Columbia Broadcasting System in its "The 21st Century" presentation, entitled "What Are We Doing to Our World?"

Mr. Walter Cronkite quite properly pointed out:

Man is a thinking animal, but nonetheless dependent entirely on the ecological balance of his planet to sustain him. All the forms of life over which man has become master are similarly interrelated and dependent on one another in varying degrees.

This excellent series can be recommended here to the Members as an absolute justification for this legislation.

I should also like to call attention to a statement made by a great American, Charles A. Lindbergh, recently in New York City when he received an award from the National Institute of Social Sciences. I believe Mr. Lindbergh has placed this whole problem into proper perspective. He made the argument on behalf of this legislation for us when he stated:

I have been forced to the conclusion that much of our scientific and technical progress is negative progress in relation to man's basic welfare: that many of the steps we take to insure our present survival lead toward a future breakdown. I have asked myself over and over again how this trend can be avoided.

Then he added:

In trying to affect a trend, one considers its beginning. This takes us back through ages to what was, in many ways, the disastrous impact of the human mind with its of selective judgment—a mind so paradoxical, to date, that it has achieved life's greatest knowledge and caused life's greatest evil.

And he concludes—and I would like to especially call your attention to these words, because these are the words that I believe bear directly on this legislation:

In the short period of evolutionary time after intellect gained domination over instinct, it has made man the most destructive creature upon earth.

Mr. Chairman, everyone talks about the crisis affecting our rivers, streams, and waterways in America.

There is no question that man is killing the very environment that nourishes him. Our much-proclaimed American know-how and can-do technology have not been applied to preserving the highly intricate balances of nature. We survive by utilizing the infinite complexities of our planet, but our resources are not inexhaustible. With all of our hardware and amazing technical proficiency, we have yet to find substitutes for either clean air or potable water.

Lake Michigan, which borders part of my own State of Illinois, is in imminent danger of total destruction due to wholescale pollution. Lake Erie is already comatose and virtually incapable of supporting life. There must be liimts imposed on man's opportunity to destroy his natural resources.

Lake Michigan is approximately 300 miles long and 80 miles wide. Its area encompasses nearly 25,000 square miles. Before passage of legislation that permitted the Army Corps of Engineers to use this inland sea as a massive dumping area, the depth of the lake was 113 feet. Today it is 103 feet deep. By pouring millions of tons of junk and toxic material into this enormous lake, we have raised its depth more than 10 feet. This is unconscionable.

We cannot continue the heedless destruction of irreplaceable resources merely because it is "cheaper" to dispose of our waste products in this way. The question of "cheapness" or economy in general when discussing an end to pollution is academic. We must spend whatever it costs and we must begin now.

The bill before the House today strengthens our ability to end pollution and to set about mitigating its effects and regaining at least a measure of what we have lost.

As human beings who share this earth with its tens of millions of forms of plant and organic life, we can do no less than insure its survival as a life-supporting planet.

So, Mr. Chairman, tomorrow when we start reading the bill, it is my intention to offer an amendment to this bill which would repeal that part of the act of 1905 which set up and specified and uti-

lized and authorized certain areas in the Great Lakes for dumping by the Corps of Engineers.

It is my hope that this amendment will be adopted.

We heard a moment ago the distinguished gentleman from Minnesota (Mr. BLATNIK) say that Lake Erie appears to be beyond the realm of salvation. Lake Erie is a national disaster area and its shame is shared by all of us. Tomorrow I am going to ask my colleagues to join me in barring any further dumping in the Great Lakes by the Corps of Engineers. You cannot have effective antidumping procedures by local municipalities and by the various States surrounding the Great Lakes when Uncle Sam through his Corps of Engineers is the largest single polluter of all.

I am not at all persuaded when the Corps of Engineers comes before us and pleads that if we do not let them dump in the Great Lakes that they are going to have to stop dredging the harbors and rivers. This is a problem that the Department of Defense will have to address itself to in order to find alternative solutions. Surely our technology is capable of supplying an answer.

Until this Congress stands up and says that the law of 1905 was a mistake and can no longer be tolerated and we refuse to permit indiscriminate mass dumping we are not going to be able to save the Great Lakes or our other great water resources.

Who in this Congress, on either side of the aisle, is competent to tell us what is the price tag on recreating a Lake Michigan or the other Great Lakes? Man can never create such a vast natural resource, but surely man can save it.

It is my hope that tomorrow when this bill comes before us, our colleagues are going to join in taking this bold but determined step. Let us here in the Congress say that there shall be no more dumping by the Corps of Engineers in Lake Michigan and then get the rest of private industry to fall in line.

Mr. Chairman, I thank my colleagues for making this time possible.

(Mr. KARTH (at the request of Mr. WRIGHT) was granted permission to extend his remarks at this point in the RECORD.)

Mr. KARTH. Mr. Chairman, I rise in support of H.R. 4148, the Water Quality Improvement Act.

Today when this country's population is at the 200-million level we are rapidly discovering that our air and water resources are not limitless. The efforts of the Federal Government have in recent years been directed with special urgency toward meeting the air pollution problem because the need for control has been demonstrated most dramatically by so-called death fogs and eye-watering smogs. This Congress has enacted air quality control legislation which now makes it possible to reduce the noxious chemicals in automobile exhaust and smokestacks. We are happily making progress in air pollution control and can soon expect real technological breakthroughs which will eliminate the most alarming threats to our air.

But it has been recently, only through the catastrophes of *Torrey Canyon* and the Santa Barbara Channel that the public has become alarmed by the tremendous problem created by the oil pollution of our waters. True, there has been on our law books since 1924 statutes to prohibit the willful and negligent dumping of oil in our navigable waters. But the scale of today's problems are so much broader and more aggravated than they were even a decade ago that new legal tools have to be provided the executive department to cope with unanticipated threats to the water resources in our environment.

H.R. 4148 as reported by the Committee on Public Works, I believe, makes tremendous steps toward up-dating the laws dealing with water pollution by providing more stringent controls against oil and sewage pollution of our waters, research grants to combat acid and mine water pollution, and training grants and contracts to alleviate a critical shortage of skilled engineering aides, scientific technicians, and sewage treatment plant operators.

I think that it is symbolic of the new approach of this important legislation that the bill proposes the name of the Federal Water Pollution Control Administration be changed to the National Water Quality Administration.

I hope this Congress will quickly enact this bill and provide the funds necessary to implement it so that our Nation can eliminate the national jeopardy which presently threatens our water resources. I urge the support of my colleagues for the enactment of this bill.

Mr. WRIGHT. Mr. Chairman, I yield the remaining time on our side, 4 minutes, to the distinguished gentleman from Michigan (Mr. DINGELL) who has been a longtime advocate for clean water and who is a member of the Committee on Merchant Marine and Fisheries of the House.

Mr. CRAMER. Mr. Chairman, I yield 2 additional minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, I thank my good friend, the gentleman from Texas, and my good friend, the gentleman from Florida, for so graciously making possible these few brief remarks.

Mr. Chairman, I wish to commend the distinguished members of the Committee on Public Works and the committee for the very able work they have done in presenting to this body a very fine piece of legislation, one which is well calculated to make further badly needed strides in the field of abatement of pollution of the Nation's waters and water resources.

Mr. Chairman, I have several comments on the bill.

First, with regard to the question of funding and financing. I would point out that the very best efforts, and they have been indeed tremendous, by the Committee on Public Works and the distinguished members have been largely frustrated by the inadequate funds presented by the different administrations for the handling of water pollution.

In all of the years since the original legislation was passed back in 1956, we have appropriated vastly less than the needed funds and this year we have the administration's budget request for something like $200 million, against an authorized Federal expenditure under Public Law 660 of something like a billion dollars for this coming fiscal year.

Indeed, it is probable with the rate of the population increase and the increased level of pollutants, the higher authorized figure will fall significantly behind meeting the real needs of our Nation.

I rise also to make certain comments with regard to activities now going on in the Committee on Merchant Marine and Fisheries. As my good friends on the Committee on Public Works know, the Committee on Merchant Marine and Fisheries has been engaged in a study of legislation and holding hearings on proposals which would begin abatement of pollution of the seas and navigable waters by law.

During the existence of the Merchant Marine and Fisheries Committee this has been a matter of particular concern by that committee. The Committee on Merchant Marine and Fisheries has reported to this floor a number of pieces of legislation over the years which have dealt with this particular problem. Over the years these pieces of legislation have been enacted by this body and now constitute a portion of the permanent laws of the United States.

The Committee on Merchant Marine and Fisheries, today is considering similar legislation, much in keeping with and, indeed, substantially similar to that involved in the sections of H.R. 4148 dealing with the same subject. It is with pleasure I note that the Committee on Public Works has moved with great vigor. It is with some sadness I note some of the thoughts of the membership of the Committee on Merchant Marine and Fisheries have not been fully and, in our opinion, adequately reflected in H.R. 4148. Nevertheless, I do point out to this body that H.R. 4148 is an admirable piece of legislation. It reflects careful consideration, and I beleive it makes possible long strides forward in the abatement of water pollution. And, despite the jurisdictional problems which have existed with H.R. 4148, it does take proper, and I believe desirable and, in fact, adequate steps toward the abatement of the pollution of our navigable waters by oil, something which has been a significant problem.

It was the hope of the Committee on Merchant Marine and Fisheries that this would be handled by making the Coast Guard the primary agency. It is my hope that this will still take place in connection with the cleanup of the seas of oil, because, my friends and colleagues in this body well know that the Coast Guard is the agency most immediately affected, and almost invariably the first and only agency directly on the scene when this occurs. Indeed, our cleanup endeavors during the times we have had these oil spills have largely been conducted under the leadership of the Coast Guard. That agency demonstrated a remarkable capacity for vigorous and effective action in the Santa Barbara incident and in a number of other lesser incidents.

So it is my hope that this will take place in that fashion.

I would point out a caution to my colleagues, and that is that failure to adequately and properly center responsibility for the abatement and cleanup of oil pollution in the hands of an institution like the Coast Guard may conceivably result in a problem of the kind they had when the *Torrey Canyon* went down. During that incident it is fair to point out that there was a significant period of time during which the British Government was unable to assign responsibility and to fix the duty on any of the several agencies of the British Government for the actual cleanup of the oil. Had the Government been able to move more expeditiously under those circumstances, it is not inconceivable that damage to the British coast and the coast of Europe might have been significantly reduced.

I do report to the House at this time that the Committee on Merchant Marine and Fisheries does have a number of matters it is considering which will involve other segments of the Coast Guard's responsibility in connection with the abatement of the pollution of the seas and navigable waters by oil, and that my discussions with the chairman, with the staff, and other members of that body indicate to me there is every probability that during the next few weeks the Committee on Merchant Marine and Fisheries will continue its consideration of these matters, and hopefully will ultimately complete a useful and complementary piece of legislation, one which will add to the very able drawn and well-done piece of legislation which we have before us, in terms of increasing the ability of this Nation to abate the pollution of our navigable waters by oil.

Mr. Chairman, I thank my colleagues for making this time available to me.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. CRAMER. Mr. Chairman, I yield such time as he may consume to the gentleman from Iowa (Mr. SCHWENGEL).

Mr. SCHWENGEL. Mr. Chairman, I rise in support of the Water Quality Improvement Act of 1969.

The committee of which I am a member has worked hard on this legislation. Its leaders especially are to be commended, as well as the staff, for the work they have done.

Mr. Chairman, this bill is good legislation and goes a long way toward solving our pollution problems. It is not a perfect bill, but it will deal with some of the critical problems that are presented today and it will pave the way for even better programs in the years ahead.

One of the best features of the bill is that which provides for training of persons in the water control area. Mr. Chairman, I was a cosponsor of the bill which resulted in this section, and can speak with some authority on the point. The witnesses who appeared before our committee pointed out the dramatic urgency of this training. They noted the severe shortage of trained personnel in almost every area of the pollution control effort. Section 20 authorizes grants and contracts to train undergraduate students interested in the design, operation, and maintenance of waste treatment works and other facilities for water quality control. The urgent nature of this need is pointed out here primarily for the benefit of my good colleagues on the Appropriations Committee.

Another important provision of the act is section 19 which deals with demonstration projects for the control of acid mine pollution. This too is a step in the right direction.

The chief shortcoming of the act, in my opinion, is the lack of provision for adequate research. Like so many problems, we have rushed into pollution control without full and careful research into the exact nature of the problem. Good, solid research to identify and isolate the problem makes solution of the problem 10 times easier.

We also need much more cooperation and coordination among the various levels of government, and private industry, in our pollution research. My suggestion for this problem is a series of satellites research stations which would serve as coordinators of research for the overall pollution problem in a given area. They would coordinate the efforts of the various levels of government, and those of private industry.

Another shortcoming of the bill is the absence of more strict regulation of pollution by Federal activities. Our Federal agencies and activities around the country should be taking the lead in establishing new concepts and methods of pollution control. Instead under the provisions of this act, we will still have some agencies dragging their feet as bad if not worse than some private industries.

While these shortcomings are serious—I do support the act and urge that it be passed. In the meantime, I will be introducing legislation to correct these shortcomings and hope that the committee will give early and serious consideration to my legislation.

(Mr. SCHWENGEL asked and was given permission to revise and extend his remarks.)

Mr. WRIGHT. Mr. Chairman, will the gentleman yield for a unanimous-consent request?

Mr. CRAMER. I yield to the gentleman from Texas.

(Mr. McCARTHY (at the request of Mr. WRIGHT) was granted permission to extend his remarks at this point in the RECORD.)

Mr. McCARTHY. Mr. Chairman, the bill we are considering today deals with one of the major problems of our environment. Water pollution is no longer the concern of the expert but rather is a concern of the public. Our swimming beaches have been contaminated by sewage. Our lakes are polluted or crowded with algae fed by fertilizers or human wastes. Our rivers have the stink of open sewers during the summer months. There is less pleasure in boating when owners must scrape oil and sludge from the sides and bottoms of their boats constantly. Waterways that once delighted the eye now offend; we have damaged a major natural resource.

But the time for talking about the dangers of water pollution, for calling attention to man's neglect of this natural resource is past. Opinion polls show clearly that the American public is concerned about this problem. They show clearly that the public is ready for action—not words. This demand has been recognized by Congress in the unanimous votes approving the authorization of money to construct sewage treatment facilities. The funds that have been authorized were in keeping with the size of the problem. I would have preferred to have even larger authorizations, but can appreciate the many different demands for our tax dollars.

Unfortunately, we have failed to appropriate anywhere near the amounts that have been authorized for the construction of treatment plants and sewers. For treatment plant construction we authorized $450 million in 1968; we appropriated $203 million. We authorized $700 million in 1969; we appropriated $214 million. We authorized $1 billion in 1970; the administration has budgeted $214 million. In these years alone, we have appropriated $1,519,000,000 less than the amount authorized. I think that our national priorities are sadly misinterpreted when we spend, for example, more than $350 million a year on chemical and biological warfare, weapons of questionable value, while only spending $214 million to prevent the destruction of our water resources.

What does the water pollution funding gap mean in terms of water pollution control at the State and local level? The Federal Water Pollution Control Act made it necessary for the States to develop acceptable water quality standards and to initiate programs to bring the waters within their States up to these standards. In a number of cases bond issues have been passed to assist in cleaning up their waters. My own State, New York, passed a $1.6 billion pure waters bond issue to help cities and towns build the necessary sewage treatment facilities. And New York went beyond that; it agreed to prefinance the Federal share of construction of these facilities so that there would be no delay in cleaning up our rivers and lakes.

At the local level cities and towns have passed referendums authorizing the financing of the construction of sewers and treatment facilities. The local leaders who must convince the residents of a town or village to add to their property tax to construct new sewers and treatment facilities must use a part of their political capital in building support for these referendums—the additional tax burden is not assumed lightly.

One can imagine, then, the effect of the failure of the Federal Government to provide its share of the funds required for facility construction. New York State will not receive a fraction of the Federal funds to which it is entitled under the amounts authorized. A tax burden is thrown back from Washington on the State and local government, increasing the rapidly growing demands on State and local revenues.

Towns and villages under legal order to clean up pollution find that they do not have the funds to do the job. They know that the cleanup has been ordered by Washington—why, then, does not Washington do its share and provide the promised assistance?

In fairness it must be recognized that the demands of the Vietnamese conflict

have kept domestic spending at much lower levels than had been desired. Many worthwhile programs were cut back and many others failed to see the light of day as a result of the economics brought about by the war.

The shortage of funds for water pollution control while the Vietnamese conflict is going on was recognized, however, and a remedy was suggested. Last year's water pollution control bill contained a provision that placed the financing of treatment facilities on a capital basis rather than on a annual basis. This is a technique whereby the Federal Government agrees to pay the principal and interest on a 30-year bond issued by the State, town, or village to cover the cost of new facilities. Rather than giving the community one lump sum to cover the Federal share in the first year, the Federal Government would only have to pay roughly one-thirtieth of the cost each year. This would make it possible to start many more projects than could be initiated following the present lump-sum approach. As you may recall, both bodies of Congress passed that legislation last year but it failed to clear the conference committee at the last minute.

Recognizing the value of this financing approach to the task of water pollution control, I reintroduced a comprehensive water quality bill in this session of Congress. I was joined by 24 of my colleagues in that action. The companion bills—H.R. 7734 and H.R. 7767—both include a financing section identical with that passed by both bodies of Congress in the last session. It has been my impression that those concerned with water pollution control realize that this capital financing approach is a most effective way to make the limited funds available go as far as possible.

Both the House and the Senate committees dealing with water pollution control have deferred consideration of financing proposals for this activity until the new administration has had an opportunity to review their budget and make any proposals that they believed desirable. As a matter of courtesy, financing provisions are not included in the bill considered today.

I have learned, however, that the administration will propose an appropriation of $214 million for the construction of water pollution control treatment facilities. And as far as I am able to determine, this request will not include a provision for capital or long term funding. If this is the case, $214 million is totally inadequate. Apparently, Secretary of the Interior Hickel recognizes this, for I understand that he requested a total of $600 million for this purpose, only to be turned down by the Executive Office of the President.

If the Federal Government does not do its share, what can we legitimately ask the State and city to do? Can we hold enforcement conferences and demand that localities upgrade their treatment facilities? Can we ask the cities located along Lake Erie or along the Mississippi or Missouri to build secondary rather than primary treatment facilities? This sort of hypocrisy is one of the roots of dissatisfaction with Washington found at the local level.

I hope that the Rivers and Harbors Subcommittee of the House Public Works Committee will be able to hold hearings on my bill to provide adequate financing for water pollution control in the near future. This legislation is important to our environment. Neglect now will mean destruction later. We cannot afford to wait.

Mr. LEGGETT. Mr. Chairman, I am glad I have the opportunity at this time to comment on this bill, and express my wholehearted approval of this measure designed to start the long-delayed assault on water pollution which has affected this country for so long, but which has been marked by serious inaction on the part of the Government. The problem has reached a critical stage, but I am hopeful that quick action now can stop further damage to our environment and start to roll back the damage already done.

It is incumbent upon us to pass H.R. 4148. Further delay may very well make the problem insoluble, forever relegating our lakes and rivers to open sewers infesting all surrounding areas.

In my district in California we have one of the most beautiful bodies of water in the State, Clear Lake. This lake has long been recognized as one of the leading recreational waterfronts in the area, and its existence has spurred the development of the surrounding land area. As is the case in so many of these situations however, the development of the surrounding landscape has upset the entomology of the land. In the case of Clear Lake, development of surrounding land areas has begun to fill the lake with raw sewage and waste. Engineering reports clearly indicate the damage done by the invasion of algae which has upset the natural balance of this beautiful body of water, and will soon make it unfit for human use.

It is not too late to turn the tide however. This bill is a good start toward an all encompassing fight to reverse the damage done by man to his natural assets.

I view this measure as an economy move. If we do not get the funding now, the costs will be immeasurably higher later. I think we are all agreed that action must be taken at some time. In the case of water pollution, delay will mean added expense at a later date. The studies on the Clear Lake problem point this up. As the pollution gets worse, the corrective measures will be far more expensive. I do not think anyone on the floor today disagrees with the proposition that the problem must be faced at some time. In this time of fiscal extremis however, many of my colleagues feel that all but the most urgent spending measures must be curtailed. I generally agree. But in this case I feel that the fight for control of environmental pollution is possibly the most urgent priority on the legislative agenda. Delay now will at best make corrective measures more costly in the future. At worst we will have passed the point of possible correction and will be forced to forever consign these areas of natural beauty to putrid wastelands. The problem of Clear Lake is a prime example. We must not allow this body of water to become an open sewer that will forever be lost to the citizens of California and the Nation.

Mr. ANDERSON of California. Mr. Chairman, I rise today to join with my colleagues in expressing my strong support for H.R. 4198, the Water Quality Improvement Act of 1969. This is the type of legislation that is very badly needed to clean up our polluted waters and harbors and keep them free of oil and sewage pollution.

If we are ever going to restore our environment to its natural state so that it can be enjoyed by all free of contamination, we must begin now. For too long we have allowed technology to alter the environment without attention being paid to the consequences. This legislation is a good step in the right direction.

The Water Quality Improvement Act of 1969 essentially will do five things:

First, it will make shipowners liable for oil discharge or spillage up to $10 million and provide criminal penalties for failing to report such discharge or spillage as well as civil penalties in cases of willful or negligent discharge.

Second, it will set up a $20 million revolving fund for reimbursing states assisting in cleanups of pollution.

Third, it will direct the Secretary of the Interior to stop discharge of sewage from vessels by development of marine sanitation devices on ships.

Fourth, it would authorize up to $15 million for a demonstration program on acid pollution from mining.

Finally, it would appropriate funds for research into water pollution and development of water quality control facilities.

This legislation is urgently needed, particularly in light of the recent tragic oil spill off the coast of California. The incident served to focus increased attention on this important problem and helped us bring this legislation to the floor of the House today. I am hopeful the Water Quality Control Act of 1969 will pass both Houses of Congress and will be signed by the President. We just cannot afford to wait any longer. The showdown between a continued polluted environment and a return to a clean environment is at hand.

Mr. EDWARDS of California. Mr. Chairman, I have but one complaint about the bill now being considered by this House. It does not do enough.

All of us were shocked by the oil discharge which polluted the Santa Barbara coast, and this bill speaks to such pollution in part, but I wish to speak of 100 years of pollution of an even more fabled resource, San Franscisco Bay, and the unreported results.

Let me make the facts clear: Much of San Francisco Bay is now septic. Much more of the bay will become septic unless something is done.

Some of the provisions of this bill directly attack the problems of San Francisco Bay and I support the bill. However, this bill still represents an approach which is "too little and too late."

The magnitude of the problem in San Francisco Bay was spelled out in a recent study which called for a master sewer system to cost the communities involved $2 billion between 1970 and 1990.

The crisis facing San Francisco Bay is not one that has come slowly, nor is it one that all of the people around the bay have ignored. In fact communities and industries around the San Francisco Bay have spent $283 million in their efforts to clean up the bay and to keep it clean. Within my own district, as an example, San Jose and Santa Clara have spent $35 million on a new sewage treatment plant. This last year the voters of these two cities by a two-thirds majority margin approved the expenditure of another $30 million. Most other communities around San Francisco Bay, under the leadership of the San Francisco Regional Water Quality Control Board, have made similar sacrifices.

The condition of bay waters is better today than a few years ago because of the continuing sacrifices of many bay area taxpayers and because of the leadership of the water quality control board. Marine life is returning to the South Bay, harbor seals are once more able to survive in the bay, dead waters have returned to life.

Despite the dramatic improvement in the quality of some of the waters of the bay, red tides have started to appear, tides which may well mark the biological death of the bay, and massive reports of fish kills have become more frequent.

Health officials still warn the public not to eat the oysters of the bay, because they carry sewage-borne diseases.

The same health officials warn some of the waters of the bay are dangerous for body contact sports. These waters, because of sewage, can carry diseases in their spray.

The efforts of 90 of the 91 cities around the bay and of the water quality control board have suppressed many of the sewage odors of the past, restored the quality of waters so fish can live in them, but increasing loads of pollutants, nutrients, chemicals and toxics are undoing the good work of the past.

Obviously we have not done enough.

And the tides of growth are still pouring into the San Francisco Bay area, bringing more people to join the 4.5 million already living around the bay, and bringing more human and industrial wastes.

At the same time there are those who wish to fill the open water of the bay for profit, further limiting the circulation of waters in the bay, while at the same time increasing the loads it must absorb.

We are not too far from the point where the only use of San Francisco Bay will be that of an open sewer.

Most of us who live around the bay are committed to a clean bay, a healthy bay, a bay seeable by the public. Yet, I must point out there are two public bodies which have not fulfilled their public responsibility to insure raw sewage and industrial wastes are kept out of the bay.

They are the city and county of San Francisco and the Federal Government.

Let me first say a few words in defense of the combined city and county governments of San Francisco. San Francisco is the second oldest city, next to San Jose, in the bay area, it has a shrinking population of 740,000 out of a total bay area growing population of 4.5 million, and it is the only city with a combined storm drain and sewage system. Thus, it is the only city of the 91 around the bay which regularly dumps its sewage raw, not only into the bay, but also on the beaches where its children play.

The problem is simple: When it rains as little as two-tenths of an inch an hour, really only a heavy fog, the city's overburdened combined storm drain and sewage system overflows, resulting in the present unsightly, unhealthy, and putrid conditions. It may take up to $1 billion to correct this problem.

San Francisco, faced by other massive problems of the inner cities, needs far more help than that offered in this bill. It also needs to face its sewage problem and to inform its people of that problem.

The second major offender is the Federal Government.

At present at least 12 Federal installations are polluting San Francisco Bay.

An estimated 500,000 gallons of industrial wastes, including, but not limited to, cyanide, flow into the bay from the Alameda Naval Air Station. These wastes are discharged at the water's edge, not even taken out to deep water where the damage they do might be diluted. Mare Island pours an additional 150,000 gallons of similar industrial wastes into the bay, the Concord Naval Weapons Station contributes 3,000 gallons a day, and the Point Molate Facility near Richmond, discharges 10,000 gallons a day of treated, but substandard, wastes.

The hard pressed San Francisco Regional Water Quality Control Board has no authority over these Federal installations.

The U.S. Navy has promised to hook up both the Alameda Naval Air Station and Mare Island to local sewage treatment plants during fiscal 1969–70, if the funds are available. Short as funds are this year, I pray that they will be available.

The bill we are now discussing says:

> Each Federal agency having jurisdiction over any real property or facility of any kind shall within available appropriations and consistent with the interests of the United States insure compliance with applicable water quality standards.

I for one wish this provision were stronger. Pollution is not in the interest of the United States.

Finally, ships of the U.S. Navy, including its giant aircraft carriers discharge their sewage raw into the bay, not only as they pass in and out of the bay, but also as they rest in harbor. In effect they are moveable, small cities, polluting the bay as they go.

Again this bill speaks to the point, but in a manner I wish were more effective. The bill calls for waste treatment standards for civilian shipping, but in the case of military vessels it leaves the decision up to the Secretary of Defense.

I would hope all of us would agree the U.S. Navy should stop polluting San Francisco Bay.

The waters of San Francisco Bay face one more major Federal threat—a threat not created by the people who live and work around the bay. It is called the San Luis master drain and it will dump, for it is now under construction, millions of gallons of agricultural waste waters, carrying pesticides and nutrients, into this already polluted bay. The drain will bring its pollution to the bay even as the fresh waters, which once flushed out the bay, are cut off by Federal and State of California water projects. I would refer any of my colleagues, who might wish to explore this problem further, to the statements of Congressman JEROME WALDIE, whose district faces disaster because of this drain.

The story of the pollution of San Francisco Bay is a long and sad tale, told not often enough. Even today the people of the city and county of San Francisco know little about the condition of their own beaches. However, the job of education of the public about bay problems has been done well by the San Jose Mercury and News and the Oakland Tribune. The most recent and one of the best of these accounts was written by Mr. Fred Garretson of the Oakland Tribune.

Mr. Chairman, I will include Mr. Garretson's stories at the conclusion of my remarks, so every Member of Congress will have available the story of the polluted San Francisco Bay.

The problems of San Francisco Bay are not unique. Many areas of my State, and of the Nation, face similar problems. In Washington we only need go to the banks of the Potomac River to bring ourselves face to face with the ugly facts of water pollution.

I speak in favor of this bill, not because it is as much as we can do, but because it is the least we can do.

The articles referred to follow:

OUR POLLUTED BAY: SAN FRANCISCO'S FLOOD OF SEWAGE—TOUR OF WATERFRONT BARES FILTH PROBLEM

(By Fred Garretson)

It is one of those pleasant afternoons in San Francisco when a brisk little storm has cleared away the fog and the citizens of the most sophisticated city in the West go down to the beaches and the Bay to play among the streams of raw brown sewage draining out of fancy hilltop apartment houses.

Near Phelan State Beach Park, two teenage girls romp happily among the sewage that flows across the beach like a small river and mixes with the ocean waves.

Near Lake Merced, children from Park Merced Towers build sand castles out of the easily molded brown sludge that stains their beach.

At Lincoln Way, where Golden Gate Park meets The Great Highway, a shallow, 20-foot-wide sewage stream flows across the public beach and strolling couples make agile leaps to keep the water out of their shoes.

Near Fleishhacker Zoo, where the outflow of the Vicente Street sewer has carved a rolling valley into the shifting beach sand, a woman with a dog on a leash stops to let the thirsty animal drink out of the sewage stream.

This is a typical nice day in San Francisco.

It would be any one of at least 61 days between October and May when the city's antique "single pipe" municipal sewer system overflows. Then raw, untreated sewage drains into the Bay and ocean from 38 "sewer diversion structure outfalls" along the waterfront.

During dry weather the municipal system intercepts most of the sewage—except dur-

ing what state officials describe as the "regular" once-a-week breakdown—and provides a low degree of treatment before the waste is discharged into the Bay and ocean.

But a trace of rain—only 0.02 of an inch of precipitation per hour—pours storm water runoff from the streets into the sanitary sewers, overwhelming the treatment plants and sending raw sewage onto the beaches, marinas and around the docks.

The sewage streams are plainly visible after a storm.

Near the Marina Green, boats twist against their mooring lines in the current flowing out of the Pierce Street sewer.

At Aquatic Park, one of the leaders of the city's cultural enlightenment steps out of the locker room at the Dolphin Swim Club, takes a deep breath of the salt air blowing through the Golden Gate, and then dives into the water amid the flecks of toilet tissue dancing on the waves.

At Baker Beach State Park the favorite picnic spot is a deep, somewhat smelly, lake gouged out of the beach by the sewer outfall at a spot far above the high tide line. Children say it's a popular swimming hole for those who want to avoid ocean salt water and is frequently used by sunbathers to wash sand off their skin.

The river of sewage pouring out of this lake to bisect the public beach is so wide that only an athletic teenager, who takes a running jump, could get across without getting his feet wet.

At the foot of Pierce Street children scramble over the big concrete outfall pipe and fish among the flecks of human waste and detergent foam which gushes into the Bay.

The view from the dining room picture window at St. Francis Yacht Club is dominated by the sight of the Baker Street sewer pipe, which sits on the beach like a grounded whale discharging bubbling, turbulent water just off the shore.

At Fisherman's Wharf, a honeymooning couple sit in a famous restaurant watching the fishing boats rise and fall on the oily waves where the waterfall sound of the Hyde Street sewer is lost among the sound of waves washing among the piers.

Only three years ago health officials had to order three fish packing companies in San Francisco to stop washing their floors, cleaning fish and swabbing out fish packing cases with water pumped out of the Bay a few feet from a raw sewage discharge point.

Farther east, near Pier 33, a brown upwelling in the Bay tinges the air. Within a few more hours—if it doesn't rain again—the North Point sewage treatment plant will be back under control and able to chlorinate the sewage flowing out of the homes of 409,000 San Francisco residents in the north point "sewage watershed."

Farther south and east along the waterfront, where pretty girls drink coffee in open air lunch rooms on the docks, there are flecks of sewage solids coating the pilings that support docks and office buildings on the waterfront.

At Islais Creek there is a foul smell in the air where the unchlorinated sewage of 161,000 residents, and the flow from the South-of-Market industrial complex, pours through primitive machinery at the Southeast sewer treatment plant and is discharged to fester in the oily waters of a dead-end lagoon.

Northward, at the heart of San Francisco's maritime commercial center, five full sewers of raw waste pour into the dead-end channel of China Basin.

Just south of Pier 50, where people daily wade into the water at the municipal boat launching ramp, is the outfall of the South Fourth Street sewer. The line, until recently, discharged the waste of an industrial neighborhood 365 days a year—pipes weren't connected to any treatment plant.

Prudent folk might worry about wading into San Francisco's waters where a raw sewage discharge pours into the Bay at every single marina in the city.

But boat owners can find one thing good: human sewage has special powers as a wood preservative. Boats floating in sewage—and wooden pilings in polluted water—are protected from the effects of teredo and limnoria, the Bay's destructive salt water termites.

From a helicopter, flying along the waterfront to San Franicsco International Airport, passengers can almost always see a two-mile long tongue of brown, polluted water pouring out of Islais Creek at the rate of more than 15 million gallons per day in the summer time, and much faster in the winter.

The great tongue of brown water wavers like a living thing on the Bay's tidal currents—swinging miles south along the waterfront toward Hunters Point with the incoming tide and then licking north toward Potrero Point on the ebb tide.

The ebb tide sends the brown water up into the intake pumps at Bethlehem Shipyard where workers are drenched in polluted water while washing ships. At flood tide it's the U.S. Naval Shipyard workers who get bathed in sewage.

The wavering brown tongue also engulfs the favorite swimming spot where children from the Hunters Point neighborhood dive into the Bay. It's prohibited, of course, but at any time on a good day, health inspectors see 20 children in the water at a time.

The weekends are probably the least polluted times in San Francisco because the factories are closed and the offices of hundreds of thousands of commuting workers are empty.

At such times, there are only the toilets of 740,000 residents to pollute the Bay.

In the rainy season one can be quite sure of finding the flow of raw sewage pouring out from a given neighborhood.

That stream of raw sewage that carved out the swimming hole on Baker State Beach comes from Mayor Joseph Alioto's neighborhood.

The Jackson Street sewer flow near the Ferry Building comes from the financial district. Haight-Ashbury sewage drains both toward China Basin and to the ocean beach of Golden Gate Park.

This is a waterfront tour you won't find listed in any guidebook issued by the Chamber of Commerce or the San Francisco Tourist Bureau.

It's a summary of facts—neither the best nor the worst facts—listed in a little-known book issued by the Bay Area Regional Water Quality Control Board.

The title is: "Staff Report on Long Range Plan and Policy with Respect to Water Pollution Control in That Portion of the City and County of San Francisco Which Drains Into San Francisco Bay."

You might find a copy of it at San Francisco City Hall.

It should be easy to find at the public library, because almost nobody ever looks at it.

"The City That Knows How" doesn't like to think about its sewage problem.

An Ominous "Red Tide" Threatens Bay's Future

(By Fred Garretson)

On a cloudy morning during the last week of April, 1966, the passengers aboard Doug Webb's party boat "Sturgeon" caught a whiff of a strange, fishy smell rising out of San Pablo Bay.

Seconds later, flecks of red foam leaped up in the wake of the motorboat and for the next few minutes Webb sailed through what looked like a great mass of burgundy wine spilled into the blue waters of San Francisco Bay.

Carl Bennett Jr., owner of the Rodeo Marina, also saw the same thing and telephoned the officers of the Bay Area Regional Water Quality Control Board to report that, "There's something wrong out in the Bay."

This was the first official record that the so-called "red tide" had appeared in San Francisco Bay.

To the scientists and engineers who study the Bay, the appearance of the red tide was a deadly warning sign, that man's constant dumping of sewage and poison had overwhelmed the Bay's ability to cleanse itself.

It might, they said, be a symptom the living Bay was about to become a sterile dead sea.

The mysterious red phantom continued to haunt all parts of the Bay during the spring and summer months of 1966, 1967 and 1968. It's expected to appear again in about April of this year.

Despite 20 years of effort, the Bay pollution problem is getting worse, according to Fred Dierker, executive officer of the regional water quality agency in the nine Bay Area counties.

He said the sewage smell has been suppressed and many forms of fish life have returned to the Bay, but the buildup of sewage chemicals in the water has turned the Bay into a biological time bomb.

"We don't know why the red discoloration appeared or what it represents," Dierker said, "but we think it's one more warning sign that the Bay has become overloaded with pollution, nutrient chemicals and toxics."

He said the red discoloration isn't the true "red tide"—a toxic, fish-killing algae which is limited to the Atlantic Ocean and is most commonly reported near Florida.

"What has appeared in the Bay is a red phytoplankton growth. There's no evidence that it kills fish or reduces the oxygen content of the Bay water," he said.

Perhaps it has always been present in the Bay waters, but is now spreading across the Bay in great red blankets because pollution has upset the balance of nature.

William Macke, the district's field engineer who has spent most of his time during the past 12 years taking water samples in all parts of the Bay, described it this way:

"The red discoloration is generally several thousand feet long and about 150 to 200 feet wide, but sometimes spreads out much wider.

"It's very visible from the air. It looks like a herringbone pattern on the wave crests, but in quiet water it spreads out flat like a blanket. It's usually out in the center of the Bay although it also appears in shallow water.

"It's also clearly visible from a boat. As you approach it there's a definite line of demarcation between normal Bay water and the red discoloration.

"As you pass through it you can see red waves on all sides and a churning red bow wake behind a motor boat.

"It's like sailing through a sea of burgundy wine.

"There's a distinctive fish odor—that's the only way to describe it—while you're passing through it. In fact, that's how you know you're approaching it. You smell it.

"It's kind of weird. We know its composed of billions of individual living things, but sometimes it acts like one big creature. The scientific studies have confirmed that it has swimming ability and can move around the Bay.

"Usually it's right on the surface, but once we went looking for it at night and it had dropped down under water to some depth. It apparently comes up to the surface in the daytime.

"One day it looks like a big single mass and the next day it's broken up in strips and streaks, depending on the weather conditions. It persists for a long time," Macke said.

Although it's been seen in all parts of the Bay, the greatest number of reports come from the South Bay, where pollution problems are greatest. Reports have been partic-

ularly numerous around Burlingame and Coyote Point in San Mateo County.

Macke said the worst discolorations appeared during the summer of 1967, a peculiar year when a lot of strange things happened in the Bay.

Thousands of dead and dying sting rays came to the surface.

Hundreds of sharks seemed to commit suicide by swimming up onto beaches and mudflats as if they were trying to climb out of the Bay. Scientists carried some of them back to deep water, but the sharks swam right back up onto beaches.

But 1967 was also the year that record numbers of seals appeared in isolated areas along the Eastbay shore. There was a population explosion among shrimp in San Pablo Bay and for the first time in decades commercial shrimp fishing resumed in the Bay.

A lot of people cheered that the return of seals and shrimp was a good sign indicating that Bay pollution was being cleaned up. As for the death of sharks and sting rays . . . well, it's hard to get indignant about it.

But biologists were alarmed. Sharks are like humans, predators at the end of the food chain, feeding on smaller animals which in turn eat smaller plants and animals right down to the most primitive organism that would be most sensitive to pollution.

The pessimists warned that the mass death of sharks might indicate that pollution had shattered the bottom of the food chain. Vital microorganisms and plants might be dead or poisoned, passing on poison to bigger animals, destroying their nervous systems so that sharks went mad.

A reduction in the population of some predators—because of starvation or poisoning—might also lead to a population explosion in other creatures—like shrimp.

The optimists said sharks are strange creatures and some species in other parts of the world have sometimes been observed performing the rite of mass suicide. So do lemmings.

The optimists said it might be a sign fish life was improving in the Bay and now the shark population had expanded so much that mass suicide in the Bay was more likely to be noticed.

The red tide was a disturbing fact, but there were unconfirmed reports of sightings before April, 1966, and a few people say they saw something like a red tide—which wasn't studied at the time—appear in Richardson Bay 15 years ago.

These earlier reports could be interpreted either as an early warning of potential ecological disaster or as an indication that red tide had been around for many years.

Ecology is the science which studies the total web of life, the environmental interrelationships between plants, animals, man, the landscape, the weather, etc.

And ecology will be the forum of debate in the next few years about how—and whether—to spend hundreds of millions of dollars cleaning up the Bay so the Bay Area might become a more livable place for many creatures—including man.

Ecological arguments, often involving extremely technical disputes within—and between—scientific and engineering disciplines, are hard for a layman to judge—and sometimes people miss the whole point of the discussion.

For example, on Jan. 27 the regional board proposed some controversial engineering standards and goals aimed at cleaning up the Bay to the point where the water could meet the extremely rigid standards necessary to reestablish commercial oyster farming in the Bay.

A major industry spokesman denounced the idea of spending vast sums of money to benefit some unknwn future oyster farmers because, he said, "It would probably be cheaper to import oysters from Australia."

Regional Board officials patiently explained oysters were only one facet of the proposal—a yardstick by which water quality could be measured. A Bay clean enough for commercial oyster raising would produce a host of other ecological—and economic—benefits.

But the protest was valid: Money is one part of the ecology of man, and it weighs heavily in the efforts to restore the ecological balance of the Bay.

Since 1950, when the legislature created the regional board under provisions of the Dickey Act, the board has persuaded or compelled Bay Area cities and sewer districts to spend more than $300 million on sewage treatment facilities, Dierker said.

Industries have spent an undisclosed number of millions more.

But what has been the result?

The most noticeable effect is the horrible hydrogen sulphide (rotten egg) smell is gone from most parts of the Bay.

Motorists no longer have to roll up their windows to keep out the stench when they drive along the Bay Bridge approaches at Emeryville.

At one time, local officials say, airborne chemicals wafting off the Bay were so caustic that fresh coats of paint would peel off of structures within two blocks of the Bay.

The first big sewage clean-up efforts came in the 1950s.

In the decade of the 1960s, the people of the Bay Area rediscovered the Bay.

Boat ownership has skyrocketed bringing with it an economic boom in marinas, waterfront restaurants and water-related recreation.

The property value of formerly depressed waterfront land has risen sharply. In Marin County alone the assessor estimates the value increase was one-third of one per cent per day in the mid 1960s.

There's a big and growing demand for homes beside the Bay. In Alameda's Fernside district homes inland from the Bay used to be worth more than those beside the water. Today the waterfront homes are worth thousands more.

The same thing happened at Point Richmond.

Even in the polluted South Bay, private investors are willing to pour millions into waterfront subdivisions like Foster City or recreational complexes like Marine World.

The shipping business, which has to be on the waterfront, has been hard pressed in San Francisco where business and professional men keep moving offices into converted docks or warehouse buildings because they want to be next to the water.

There is abundant evidence of the return of all kinds of Bay plant and wildlife which almost vanished when bay pollution became serious in the first decade of the 20th Century.

Today many scientists, and even some investors, talk about reviving the oyster farms which used to be an economic mainstay of the Bay Area. There are some dizzying estimates about the potential profit of establishing other types of "farming-of-the-sea" industries in the protected waters of the Bay if pollution is eliminated.

But is pollution being eliminated?

No, says Dierker.

The regional pollution control board has consistently maintained it's running on a treadmill trying to keep ahead of the growing population and industry of the Bay Area which now pours at least 667 million gallons of sewage and industrial waste into the Bay every single day.

Most of the municipalities around the Bay have built, or are building, advanced sewage treatment facilities, and some of them—such as Valley Community Services District in the Livermore Valley turn out an effluent which comes close to meeting the U.S. Public Health Service standards for drinking water.

In 1965 the legislature established the Bay-Delta Study, a state agency, to prepare a waste disposal master plan for the nine Bay Area counties, plus portions of the Sacramento-Stockton-Tracy area east of the Sacramento-San Joaquin Delta.

The Bay-Delta Study report will be issued next month.

One of the major problems, Dierker said, is that existing sewer treatment doesn't remove nutrient chemicals (nitrates, phosphates, etc.) which are continuing to accumulate in the Bay.

"The level of nutrients in the Bay already exceeds the theoretical level at which 'algae blooms' should form all over the Bay. The blooms already exist in Suisun Bay, the Napa and Petaluma Rivers and some sloughs in the South Bay," Dierker said.

The algae blooms he foresees are great "rafts" of scum floating over all parts of the Bay depriving the water of oxygen, killing fish, fouling boat propellers and washing up on the beaches and tidelands to rot in the sun.

"Apparently something is suppressing the algae blooms so far. Perhaps some minute quantity of a trace chemical is missing," Dierker said.

The missing trace chemical—if that's what it is—could appear almost any day in a casual discharge from some industrial process or perhaps the coloring material in a new brand of toilet paper or maybe as a residual from a new fertilizer used to grow the potato peelings that get thrown into a garbage disposal.

Dierker said that the Bay-Delta Study report will say that there has been a startling increase in the nutrient level of Bay waters during the past four years.

The claim of the sudden sharp increase might be challenged on statistical grounds, but there is no doubt that the existing nutrient level in the Bay already exceeds the algae bloom level, he said.

The Bay has become a biological time bomb, and every flush of the toilet or clank of the kitchen garbage disposal adds more fuel.

If and when it explodes, this great nine-county urban area could be a metropolis sitting on the shores of a dead sea.

Eastbay Cities' River of Sewage

(By Fred Garretson)

The second biggest river emptying into San Francisco Bay is a river of sewage.

It discharges about 40 feet below the surface at a spot just south of the Bay Bridge, 2,000 feet east of Yerba Buena Island.

It's the flow of sewage from the cities of Oakland, Berkeley, Alameda, Emeryville, Albany and Piedmont discharged by the East Bay Municipal Utility District Special District No. 1 sewage treatment plant in West Oakland.

It's bigger than the Napa River.

(Engineers, who regularly translate total annual flows into small increments for easy comparisons, say the mean annual discharge of the EB-MUD sewer pipe is 127 cubic feet per second while the Napa River flow into the Bay is only 114 cubic feet per second.)

That single sewer pipe discharge is bigger than the combined annual flows of ALL the rivers and streams flowing into the Bay south of San Francisco.

The EBMUD sewage flow is probably big enough to have some effect on the tidal currents of San Francisco Bay.

The only bigger flow into the Bay is the 20,255 cubic foot per second annual outflow of the Sacramento-San Joaquin Delta, a figure which includes all the winter floods draining out of watershed that includes 40 per cent of the land in California and stretches from the Oregon Border to the Los Angeles County line.

But while EBMUD is the biggest single discharger, the combined flow from the city of San Francisco's antique sewer system is bigger—but no one knows how much bigger.

San Francisc's three sewer treatment plants keep records, but the city has 38 raw sewage overflow pipes which overflow every time it rains—and only one of them has ever been measured.

A key difference between East and West Bay is that EBMUD discharges treated and disinfected sewage in deep water whereas San Francisco's treatment plants and raw sewers discharge right at the water's edge, sending streams of raw sewage flowing across public beaches and leaving brown water lapping against the piers.

Figures compiled by the Bay Area Regional Water Quality Control Board three years ago showed that the total municipal and industrial waste water discharge from the nine counties around the Bay was 541 cubic feet per second.

This man-polluted flow dwarfs the 332 cubic feet per second combined flow of all the local streams and rivers flowing into the Bay (not counting the Sacramento-San Joaquin Delta).

The board said that sewage and industrial waste accounted for 2.7 percent of the net total flow of all water into the Bay system.

But with cities and industries expanding rapidly, and new dams in the mountains reducing the outflow of river water into the Bay, sewage will soon be a major source—perhaps the major source—of the water flow entering the Bay.

During the summer time waste discharges are already equal to more than one-third of the carefully regulated flow of 1,500 cubic feet per second from the Sacramento-San Joaquin Delta.

If it weren't for the constant release of water from Shasta Dam in order to flush Bay salt water out of the fresh water channels of the Delta, the flow of sewage from Bay Area cities would probably exceed the flow of the Sacramento River during many summer months.

The winter floods now flush out the Bay's accumulated pollution, but a report to be issued by the state's Bay-Delta Study next month is expected to say that dams constructed for the California Water Plan will cut off most of this flushing flow by the end of the century.

Fred Dierker, executive officer of the regional pollution control board, said the degree of sewage treatment varies widely in different parts of the Bay.

He said 90 of the 91 cities in the Bay Area now treat their sewage. San Francisco is the only municipality with a system designed so that raw sewage flows into the Bay whenever it rains causing the system to overflow.

The only other significant raw sewage in the Bay comes from ships and boats, but the state and federal governments are starting a crackdown on these polluters.

The general types of sewage treatment are:

Primary: A primitive system in which sewage stands in tanks long enough for floating material to be scooped off and heavier particles are allowed to settle out.

Intermediate: Sometimes called "advanced primary." Chemicals and bacteria are added to break up smaller particles. Sometimes disinfection is added.

Secondary: Usually involving processes called "activated sludge" or "trickling filter" treatment. Sewage passes through several treatment tanks, some of which add oxygen to help stimulate natural biological processes in the Bay which aid in sewage assimilation. This effluent often meets health standards for "swimming pool quality water."

Tertiary: Various advanced—and expensive—treatment processes which turn sewage into a liquid that might meet U.S. Public Health Service minimum standards for drinking water.

The most recent (1966–67) compilation by the regional board showed that, "398 million gallons of treated sewage and industrial wastes are discharged daily during dry weather to the tidal waters of the Bay from 77 municipal sewerage systems.

"Approximately 35 per cent of these waste flows receive secondary treatment at 23 sewage treatment plants with the remaining flow receiving primary treatment at 54 sewage treatment plants," Dierker said.

He said 47 municipal waste dischargers, who dump 245 million gallons per day, have facilities to disinfect their sewage discharge, although some of them don't always use them or vary the amount of disinfection seasonally.

Another 32 dischargers, with a total waste flow of 153 million gallons per day, don't have disinfection facilities, he said.

Three big sewage treatment plants account for half of all municipal sewage discharges into the Bay: EBMUD; The San Francisco North Point plant, and San Jose.

The EBMUD flow gets "advanced primary" treatment, according to Dierker. Because of its discharge in deep water under good tidal conditions, "EBMUD treatment is considered adequate for the present, but it might not be good enough for conditions within the next few years," Dierker said.

San Francisco's North Point plant (one of three San Francisco treatment plants) discharges 487,000 gallons per day near Fisherman's Wharf. This flow received only primary treatment but is disinfected during dry weather.

However, a slight rainstorm overwhelms the San Francisco system and causes untreated sewage to discharge through 38 bypass pipes.

San Jose's new, ultramodern sewer plant provides "secondary" treatment for its more than 1,240,000 gallons of sewage per day, yet even this very advanced process fails to meet the regional board's standards because of stagnant tidal conditions in South San Francisco Bay, Dierker said.

In addition to the Bay Area's 398 million gallons of municipal sewage, there is a total flow of 269 million gallons per day of industrial waste discharged directly into the Bay by 44 industries, Dierker said.

Approximately 94 per cent of this industrial waste total is water used to cool industrial machinery, mainly in electricity-producing steam plants, oil and chemical companies and steel refineries.

The cooling water is drawn out of the Bay, cycled through a factory in a closed pipe system and discharged back into the Bay. There is considerable dispute about whether these vast flows of warm—sometimes boiling—water are actually a form of pollution.

Fisheries experts say some big flows of industrial cooling water are capable of upsetting the balance of nature in portions of the Bay, but the regional board doesn't classify cooling water discharges as pollution.

San Francisco Sewer System Municipal Antique

(By Fred Garretson)

There are 91 cities in the Bay Area, but only the city of San Francisco operates an antique municipal sewer system which overflows and dumps raw sewage onto public beaches and the waterfront every time it rains.

The other 90 cities—with varying degrees of success—have taxed themselevs for expensive public works projects which are at least the first effective steps toward cleaning up the pollution in San Francisco Bay.

But unless San Francisco does something about its raw sewage discharges, the rest of the Bay Area cities are going to be reluctant to invest more money in cleaning up water pollution.

This is the opinion of Sidney S. Lippow, of Martinez, the "public-at-large" representative on the Bay Area Regional Water Quality Control Board.

"All over the Bay Area people are saying, 'Why should we spend more and more money building bigger and more advanced sewage treatment facilities if you're going to let San Francisco get away with doing nothing'," Lippow said.

Grant Burton, of Alamo, long-time chairman who retired from the regional board last week, said, "San Francisco city officials spent 18 years trying to avoid doing anything about the problem."

Burton advocates "turning the problem over to the State Attorney General" for prosecutions. The law provides for possible jail sentences for officials and fines of up to $50,000 per day for the city—as long as the city violates pollution control laws.

Fred Dierker, executive officer of the regional board, explained that most cities have two sets of pipes buried in their streets. One pipe system handles sewage and the other pipe carries away rain water from the streets.

But San Francisco uses a "single pipe" system which receives all the liquid waste from toilets, street gutters, roof storm drains, garbage disposal machines, industrial acids, hospital refuse and even the sweepings from the elephant cage at the zoo.

During dry weather, almost all of San Francisco's liquid waste ends up in one of the city's three sewage treatment plants and is given low-grade "primary treatment" to remove floating grease and solids before its discharge into the Bay or ocean.

But in wet weather, the rush of rain water from the streets pours into the sanitary sewers and overwhelms the system. Sewage cascades through the treatment plants without time for adequate treatment.

Sewage backs us in the main pipes and—because of the San Francisco system's design—starts overflowing through 38 "sewer diversion structure outfalls" located on beaches, marinas and under the San Francisco docks.

Even in dry weather the San Francisco system is primitive by the standards of other Bay Area cities.

The North Point and Mile Rock Beach discharges are given only "primary" treatment, chlorinated and discharged at the water's edge. The Islais Creek treatment plant discharge isn't chlorinated and is discharged to fester in a dead-end lagoon.

By contrast, most Bay Area cities have built—or are actively planning—expensive "secondary" treatment facilities which cycle sewage through a series of processes which, some engineering consultants claim, turns sewage into "swimming pool quality water."

Some communities, such as Valley Community Services District near Livermore, use even more advanced "tertiary treatment," which turns sewage into an effluent which almost equals the U.S. Public Health Service standards for drinking water.

East Bay Municipal Utility District Special District No. 1, covering Oakland, Berkeley, Emeryville, Albany, Piedmont and Alameda (and soon to add El Cerrito and Kensington) uses what Dierker calls "advanced primary" treatment.

However, instead of discharging at the water's edge as is done in San Francisco, EBMUD's treated sewage passes through a long pipe and disperses in a deep channel in the middle of the Bay where there are strong tidal currents.

In addition, EBMUD is designing secondary treatment facilities and is considering a further program to treat storm water discharges which pick up pollution from city streets.

Some South Bay cities are planning to bond themselves for expensive equipment that would carry their already treated sewage through pipes 20 miles long to discharge it into better tidal currents.

Water pollution control is expensive.

Dierker said most cities and sewer districts charge the equivalent of more than 50 cents

per $100 assessed valuation for sewage treatment facilities. Until recently Oro Loma Sanitary District residents in Ashland paid 97 cents, and in some parts of the Bay Area the cost is higher, Dierker said.

Dierker and Daniel Murphy, an engineer for the regional board, both stressed that a properly designed sewer system has an emergency overflow that would discharged raw sewage into a river or the Bay in case of a major disaster such as an earthquake or a big flood.

The difference between San Francisco and every other city in the Bay Area is that fundamental design in San Francisco causes its system to overflow raw sewage in every rain storm.

No one knows how much of San Francisco's sewage goes into the Bay raw, but according to Murphy, during what engineers call a "five-year storm," 99.25 per cent of the water flowing in San Francisco's does not even go into a treatment plant.

What little sewage does reach the treatment plant simply cascades through the pipes without a chance to settle.

In such a storm (equal to half an inch of rainfall in any one hour period) the sewers are discharging at the rate of 20,000 cubic feet a second where the maximum hydraulic flow which could receive even minimal treatment is only 150 cubic feet per second, Murphy said.

All storm drains carry some pollution from streets and roofs, but the San Francisco problem is made worse because the rush of water from the streets loosens the accumulation of grease and slime inside the sanitary sewer pipes.

"That first few hours of flow out of the San Francisco diversion outfalls is extremely bad stuff," Murphy said.

Burton, a member of the regional pollution control board from its formation in 1950 until last week, said the agency prefers to work closely with local people rather than clubbing them with legal action to upgrade sewage treatment facilities.

"But," Burton recalls, "we spent more than 18 years trying to get the San Francisco City Administration to discuss the problem, but they kept dodging us."

"On one occasion we arranged a meeting with the San Francisco supervisors in their own board of supervisors chambers, but none of them showed up for the meeting.

"Another time some supervisors came to a meeting, but they started denouncing their own city engineering staff when they started to talk about the problem. Maybe they thought their own city employees were members of the regional board staff, or maybe they just didn't want to hear about it," Burton said.

However, Burton praises Joseph Alioto as "the first San Francisco mayor in the past 18 years who has been willing to at least talk about the problem."

But, Burton stressed, "There's a difference between talking about a problem and doing something about it."

Jerome Gilbert of Novato, present chairman of the regional board, said, "There's a well-founded lack of confidence in San Francisco's willingness to actually solve the problem."

He said pressure from the Federal Water Pollution Control Administration finally produced a resolution by San Francisco supervisors last October which officially admitted, for the first time, that the city has a sewer problem and proposing a time table for partially solving it.

He said federal authorities refused to approve a minor federal grant to the city until supervisors filed a time schedule for providing secondary treatment of all sewage.

There was the implied threat that the government would start rejecting other kinds of federal grants for the city.

The San Francisco resolution promised to provide secondary treatment at two of three city treatment plants by 1975 and said the city would start treating four of its 38 wet-weather raw sewage discharges.

Regional Board member Sidney Lippow said the San Francisco resolution was "full of a lot of weasel words" which, even if carried out completely, would solve only part of the problem.

San Francisco supervisor Robert Mendelson, who presented the resolution to the regional board, said that because of other urban problems San Francisco won't budget much money for sewage treatment and said the Federal Government would have to pay most of the cost.

Under questioning by the regional board, Mendelson said the "secondary treatment" standards all other Bay Area cities are being asked—or compelled—to obey, are too expensive to apply in San Francisco.

"But I'm sure San Francisco can probably get an adjustment in the federal standards for this city," Mendelson said.

This observation stunned officials of other Bay Area cities, who have spent more than $300 million since 1950 on sewage treatment facilities and are planning to spend much more to meet federal and state standards.

Mendelson said San Francisco officials declined even to consider financing the improvements through sewer service and sewer connection charges which have financed the ambitious pollution control programs in Oakland and San Jose.

The regional board's suspicions about San Francisco worsened in December when city officials failed to show up—until after adjournment—at a regional board meeting called to consider detailed implementation of San Francisco's plans.

At that meeting William Bishop, a federal pollution control official, testified that a $921,000 federal grant had been given to San Francisco in June to finance a demonstration design project to suggest various ways to eliminate the wet-weather raw sewage discharge from the Baker street sewer at the St. Francis Yacht Club.

But, board chairman Gilbert discovered, six months after the money was given to San Francisco, the city hadn't even let a design contract.

"If you're having that kind of trouble on something as simple as this, what's going to happen in the next few years when you're scheduled to have real work under way?" Gilbert asked San Francisco officials.

San Francisco will have real problems complying with their promise to provide secondary treatment of the massive flows of sewage in wet weather.

Secondary treatment requires holding sewer water for hours at a time when flow of the San Francisco sewers is big enough to fill a good sized reservoir in a short time.

Murphy said it will require imaginative thinking, such as possible carving out huge tunnels or caverns in the San Francisco hills to hold storm flows until they can be treated. Conceivably such a system could generate hydroelectric power as sewage flows down to treatment plants, he said.

San Francisco officials reject the idea of doing what Oakland is doing in older parts of the city—digging up the old single-pipe system and installing separate pipes for sanitary sewage and storm drainage.

(Oakland spends $1 million a year from special tax funds specifically earmarked for this purpose.)

Murphy said installing two pipes would require digging up every single street in San Francisco and also reinstalling the plumbing in every building in the city because toilets and roof drains are now connected to the same pipe system.

Oakland and Berkeley used rapid transit construction as an opportunity to replace many older portions of their sewer systems, but San Francisco is reconstructing Market Street with the same old antique single-pipe sewers.

Murphy said it would be useless to put separate sanitary and storm pipes under Market Street if all the tributary sewers from surrounding streets still used the old system.

But, Murphy said, complete replacement isn't impossible.

He noted that the U.S. Defense Department rebuilt and separated storm and sanitary pipes at the Presidio and at San Francisco Naval Shipyard; both handle as much sewage as a small city.

However, the Army and Navy sewer cleanup programs didn't have much effect. The brand new systems were reconnected to San Francisco's obsolete single-pipe sewers.

And when it rains, Army and Navy toilet flushings still pour out onto the public beaches, along with the sewage of 740,000 San Franciscans.

Sewage Control Vested in Boards

(By Fred Garretson)

Control of water pollution is fundamentally a state responsibility which in the San Francisco Bay Area has been delegated to an autonomous, and powerful, local board known as the Bay Area Regional Water Quality Control Board.

There are nine such boards in California whose boundaries of authority are set up on watershed lines which have only a passing relationship to city or county boundaries.

The Bay Area regional board has authority to specify standards for all waste water discharges into streams, rivers or ground water flowing into San Francisco Bay as far eastward as a point about one mile west of Antioch Bridge.

The control of waste flows in the Sacramento and San Joaquin Valleys, and the Delta—which has a major effect on the quality of Bay water—is controlled by a Central Valley regional board encompassing 40 per cent of the land area in the state.

The Bay Area board's authority also extends 50 miles out into the Pacific Ocean and along part of the San Mateo and Marin County ocean coastlines.

The Bay Area board's authority covers at least parts of all nine Bay Area counties, although most of Sonoma County lies in the jurisdiction of the North Coast regional board, which had headquarters in Santa Rosa.

The seven members of the regional board are appointed by the governor for four-year terms. By law, six members represent special interest groups and one represents the public at large.

Jerome Gilbert of Novato, manager of the North Marin Water District, the chairman of the board, last week was appointed executive officer of the State Water Resources Control Board, which sets broad policies for the nine regional boards in the state.

His appointment leaves a vacancy on the regional board for a representative of a water supply agency in the nine county area.

Other members are:

Vice-chairman, Ercole Caroselli of San Francisco, a Pacific Gas & Electric Co., executive representing industrial waste dischargers.

James F. McCormick, of Moraga, manager of a Berkeley printing firm, representing conservation groups; William C. Weber, of San Mateo, a businessman and city councilman representing city governments.

Edward Teresi, a San Jose land developer, chairman of the Santa Clara County Planning Commission, representing county governments; Cecil E. Herrick, Napa Valley farmer, representing agriculture interests who depend upon irrigation.

Sidney S. Lippow, of Martinez, a businessman with diversified holdings, is the public-at-large representative.

Teresi and Weber were appointed to the board last year by Gov. Ronald Reagan.

Herrick was appointed last week to succeed Grant Burton of Walnut Creek, longtime chairman of the regional board who had served on the regional board since it was created in 1950 following passage of the Dickey Act, which set up the state pollution control program in 1949.

The regional board office is at 364 14th St., Oakland.

Since 1950 it has compelled or convinced cities and sewer districts to spend more than $300 million of sewage treatment facilities, plus other millions for private industrial waste treatment, according to Fred Dierker, the board's executive officer.

The board's top engineers are Roger James, policy formation; Dr. Teng Wu, surveillance, and Bill Gingrich, administration.

Regulatory engineers for special county areas are H. C. (Chuck) Knapp, Contra Costa, Solano and Napa; Dan Murphy, Marin, Sonoma and San Francisco; Robert Scholar, San Mateo, Santa Clara and Alameda.

The board's powers are purely regulatory, with the actual operation of sewage treatment facilities in the hands of local governments or industries.

Dierker stressed that the board can't compel a local government or industry to use a specific type of treatment process.

The board sets engineering standards either for the actual sewage discharge or for certain specified levels of water purity in the "receiving waters" (usually a specific section of the Bay or a river near the discharge site.)

Unlike most government agencies, the regional board has the power to change the rules at any time for any discharger.

Agencies who violate the board's orders are served with cease and desist orders. In severe cases the problem is certified to the county district attorney (or the state nattorney general if the county official refuses to act) for possible prosecution.

City or industry officials can then be found in contempt of a court order, if pollution continues, and jailed. Fines of up to $50,000 per day—or even larger—against the offending agencies are possible.

The regional board operates under guidelines set down by the five member California State Water Resources Control Board. The chairman is Kerry Mulligan, former mayor of St. Helena.

The Federal Water Poluution Control Administration, an Interior Department agency, whose southwest regional headquarters are in San Francisco, with Bay Area offices in Alameda, has a broad influence over pollution control programs.

FWPCA has the power to give or withhold federal grants, which often amount to more than 50 per cent of a multi-million dollar local project, in effect, a life-and-death control over these local government projects.

Another major agency is the Bay-Delta Project, a special state agency drawing up a master plan for waste disposal in the Bay Area plus portions of three more counties east of the Sacramento-San Joaquin Delta. Much of the Bay-Delta Project planning has been done under contract by Kaiser Engineers of Oakland.

Gilbert said the regional board is seeking to persuade cities and sewer districts to consolidate their operations into larger, more efficient sewage treatment plants.

The model for such consolidation is East Bay Municipal Utility District No. 1, which treats all sewage from the cities of Oakland, Berkeley, Emeryville, Piedmont, Albany and Alameda and will soon annex the Stege Sanitary District in El Cirrito and Kensington.

INDUSTRY LENDS A HAND IN BAY POLLUTION BATTLE

(By Fred Garretson)

Industry has been one of the major polluters of San Francisco Bay.

For decades it befouled the water with unchecked streams of butchered hogs' blood, fruit packing sugar, sulphuric acid, copper smelting poisons and the multitudinous deadly wastes of oil refineries.

But times have changed.

A number of major industries—but by no means all of them—are now taking significant, and expensive, steps to clean up the Bay and to keep it clean.

The most recent figures compiled by the Bay Area Regional Water Quality Control Board show 44 industries discharging 269 million gallons of industrial waste per day directly into the Bay through industry-owned sewer pipes.

In addition, industry provides a big proportion of the flow of 398 million gallons of waste per day discharged into the Bay by municipal and sanitary district treatment plants.

This witch's brew of industfial waste poured into the cauldron of the Bay, combined with the sewage of 4.5 million people in the Bay Area metropolis, could without control turn the Bay into an algae-covered dead sea, according to regional board officials.

Control of pollution requires setting and enforcing specific engineering standards. Some industries have a big financial stake in how high the standards are set and the cost to industry of complying.

To understand industry's role in the Bay pollution problem, it's necessary to look at some specific examples.

One of the major policy decisions now facing the regional board—is a proposal to establish "thermal pollution" standards.

The board's reports say that 94 per cent of the industrial waste discharged directly into the Bay consists of "cooling water" that has been pumped out of the Bay, cycled through factories to cool off hot machinery, and then discharged back into the bay several degrees warmer—and sometimes boiling hot.

The most outspoken opponent of thermal pollution standards is Pacific Gas & Electric Co. which uses a huge flow of cooling water at its power plants at Pittsburg, Antioch and San Francisco, and is planning to build more such plants in the Bay, including an atomic power plant at Collinsville.

These flows of warmed-up water affect wildlife. PG & E argues that warming up the Bay stimulates marine life and improves fishing. Some naturalists say it's bad for wildlife.

The board is also considering stiff new regulations reducing the already minute traces of radioactivity allowed to be discharged into the Bay.

State officials say the radioactivity rules are necessary to protect delicate forms of marine life whose natural processes help clean up other forms of Bay pollution. PG&E objects that the new rules will hurt atomic power plant projects and perhaps make electricity more expensive in the future.

The regional board, consisting of seven laymen appointed by the governor, including a PG&E executive as the official representative of pollution-causing industries, will wade through a mass of conflicting expert testimony, and then set engineering standards for the nine Bay Area counties.

Under terms of the Dickey Act, which created the regional board in 1950, these seven men have enormous power to set very high pollution standards for one city or industry, set low standards (or no standards) for a neighboring community . . . and to change the regulations at any time.

The differing treatment given to two companies—Humble Oil and Refining Co., and Johns-Manville Products Corp.—illustrates the problem.

Humble Oil has been criticized at times in national conservation circles.

Three years ago conservationists gathered almost a million proxy votes and marched into the stockholders meeting of Standard Oil Company of New Jersey (Humble's parent corporation) to demand—successfully—that a proposed Humble refinery not be built on a Monterey County beach.

Yet, Fred Dierker, executive officer of the regional pollution control board, says, "Humble is doing a good job on control of Bay pollution."

Coming from a tight-lipped engineer like Dierker, that's high praise.

When Humble set out to build its new $100 million refinery at Benicia (the one that got thrown out of Monterey), the company accepted—with a minimum of battling over specific details—the stiffest water pollution control standards ever established for a Bay Area industry.

In addition, company officials say, the new plant in Solano County will comply with regulations of the Bay Area Regional Water Quality Control District even though Solano County isn't a member of the district and the county board of supervisors is fighting to keep state and federal air pollution regulations out of the county.

Dierker said he'd like to see more companies with Humble's cooperative attitude move into the Bay Area.

In contrast, Dierker cites the problem of pollution at the Johns-Manville Products Corp. plant at Pittsburgh.

Johns-Mansville has an outstanding national reputation as a manufacturer of pollution control equipment and a company where top management figures are active in wildlife conservation.

For this reason it was one of a handful of Bay Area industries which, under a regional board policy, was permitted to operate under "self regulation" rules for 18 years with the understanding that the company would voluntarily clean up its pollution by redesigning production facilities.

Dierker said some industries spent millions of dollars cleaning up pollution under this voluntary policy.

But in May, 1968, the board's inspectors visited Johns-Mansville for the first time and found 1.04 million gallons per day of untreated waste pouring into the deadend lagoon of New York Slough on the south side of Suisun Bay.

This is a spot where tidal fluctuations during winter and spring can easily carry significant amounts of this pollution into the drinking water intake pumps of both the city of Antioch and the Contra Costa County Water District.

The board report said the Johns-Mansville discharge consisted of the toilet flushings of 300 workers "mixed with industrial waste from the manufacturing of tar paper, asphaltic and asbestos roofing and asbestos-cement building products."

Company officials did not appear at a public hearing to discuss the problem. The regional board then ordered stiff regulations for the company's plant and asked the staff to draft some more.

Johns-Manville national officials were stunned by the resulting publicity and promptly flew top management officials to California to issue a public apology.

The company is still discharging raw waste into the Bay, but the plant will be hooked up to the Pittsburgh city sewer system by May. This has required redesigning Pittsburgh's sewage facilities.

The regional board's policies toward industry differ with each plant. Situations which would be considered intolerable in the stagnant waters of South San Francisco Bay

might be acceptable in North Bay areas which have a strong natural tidal "flushing action."

Tidal flushing in the south Bay (generally south of Bay Farm Island and Hunters Point) is so poor that Army Engineers tests show that only one-millionth of the sewage discharged at Redwood City gets flushed out of the Golden Gate by tidal action in a measurable length of time.

The Army tests on the Bay model at Sausalito shows pollution dumped into the South Bay simply flows up into all of the tidal sloughs and sits there.

San Jose's ultra-modern new $32 million treatment plant, which serves 750,000 people, has improved the South Bay situation since 1964, but even the San Jose plant can't meet the desired South Bay water quality standards.

San Jose, and other South Bay cities, are now considering constructing a 35-mile-long sewer pipe up the Bay from Alviso to the vicinity of Treasure Island so that San Jose's already highly treated sewage can discharge where tidal currents will carry it to the ocean.

The situation in the North Bay is different. Dierker said the city of Vallejo uses only low-grade "primary" sewage treatment, but its discharge into the fast moving currents of Carquinez Strait is adequate to disperse the waste.

The last of the "self-regulating" industries brought under regional board control was the California and Hawaiian Sugar Co. at Crockett, which sends its sewage to a municipal treatment plant but also discharges 45.2 million gallons of industrial waste per day into Carquinez Strait from 21 outfalls.

The board's policy statement about C&H, drafted by Dick Russell and H. C. Knapp, of the board's staff, said 96 per cent of the discharge is cooling water.

The report said the remaining flow consists of sodium carbonate cleaning chemicals, burned sugar, raw sugar and the washings of sugar-processing machinery, battery acid, sulfamic acid, hydrochloric acid, hydrofluoric acid, etc.

This would be a bad combination in most areas of the Bay—particularly the sugar discharge, which burns up oxygen in the water, kills fish and can turn salt water black.

Sugar in cannery waste at San Jose is the major source of water pollution in the South Bay.

But, Russell explained, "The flow of water at Carquinez Strait is tremendous and the C&H discharge isn't really a problem." In engineering terms, he said, "pollution is a function of volume" and at the C&H plant the volume of good water is tremendous.

There is widespread evidence that industry is willing to spend considerable amounts of money to clean up pollution, but in most cases the actual figures aren't available as a matter of public record.

Ronald James, mayor of San Jose, recently told a pollution control meeting "A few years ago the local managers of national corporations wouldn't give us the time of day when we talked about pollution.

"We have some bad stuff flowing into San Jose's sewers, including sugar and various cannery wastes, acids and chemicals from electronics manufacturing and other things that are difficult for a treatment plant to handle.

"But recently, the local plant managers have been told by national firms that they're supposed to cooperate. In most cases we're getting good cooperation.

San Jose enacted a sewer tax surcharge under which industries with difficult-to-treat sewage are charged at a higher rate. This has resulted in considerable experimentation in "pre-treatment" to clean up waste before it goes into the sewers.

East Bay Municipal Utility District is considering the same sort of surtax for hard-to-treat sewage in Oakland, Emeryville, Alameda, Berkeley, Piedmont, Albany, El Cerrito and Kensington.

However, in San Francisco, where the worst kind of raw, untreated industrial pollution pours out from overflowing sewer lines every time it rains, the county board of supervisors is on record as opposed to any kind of sewer tax, sewer surtax or sewer connection fee.

When asked what the possibility of using such taxes to clean up the San Francisco mess, San Francisco Supervisor Robert Mendelsohn, chairman of the health committee, told the regional board, "We aren't even considering anything like that."

The Islais Creek Sewer Treatment Plants, which discharge the toilets of 161,000 persons, plus the south-of-Market industrial area, into a dead-end lagoon one block from the San Francisco Wholesale Produce Market, doesn't even chlorinate the sewage.

The regional board's report on San Francisco County found 660,000 gallons per day of untreated waste, mostly in the industrial district, discharging into the Bay because pipes hadn't been hooked up to flow into the sewer treatment plants.

Under board orders the city shut down a dozen individual company raw sewage discharges and agreed to tie the South Fourth Street industrial area sewer pipes into the municipal collection system.

At the San Francisco Port Authority docks the regional board investigators found 207,000 gallons of raw sewage per day flushing directly into the Bay from 405 toilets, 243 wash basins and 180 urinals.

The city has launched a program of connecting San Francisco Port Authority toilets to the municipal sewer system although some officials consider this a futile effort because of the flows of raw sewage pouring out under the docks from the rest of the city sewer system.

The regional board report concluded: "The city and county of San Francisco has the ambivalent role of being the greatest waste discharger while requiring the greatest protection of Bay waters along her shore for beneficial uses."

There are some kinds of pollution which are extremely visible in the Bay but are considered harmless to wildlife and are therefore at the bottom of the board's priority list.

Dierker said these include the reddish tint seen in the water near the Bay Bridge Toll Plaza, which he said is iron oxide from an Emeryville paint plant. A white tinge can be seen near a South San Francisco milk of magnesia factory.

Dierker said a "very significant" effort is being made by a committee of industries to clean up pollution in the North Richmond area in the cove east of Point San Pablo.

During the past four years the dischargers spent $5,145,000 on new pollution control equipment and worked on a major long range plan to eliminate pollution to this cove.

A report issued by the industrial committee listed spending in four years as: Allied Chemical Corp., $90,000; Chevron Chemical Co., $1,632,000; San Pablo Sanitary District, $236,000, and Standard Oil Co. of California, $3,187,000.

On Jan. 15, the regional board adopted a policy, agreed to by the dischargers, under which dischargers promised to work toward the "maximum feasible degree" of treatment in North Richmond.

Dierker said, "This means tertiary treatment (very pure) discharges. The companies and the sewer district might elect to use a lower degree of treatment and discharge it far out into the Bay through a long pipe, but in that case they'd have to come back to the board to ask for a lowering of standards."

This program might turn North Richmond into one of the most beautiful spots along the shoreline of San Francisco Bay.

SAN FRANCISCO REALLY HAS A SEWER PLAN—BUT JUST WHAT IS IT?

(By Fred Garretson)

San Francisco city officials talk boldly, but not too confidently, about Mayor Joseph Alioto's master plan to clean up the San Francisco sewer mess.

After 20 years of playing hide-and-seek with the Bay Area Regional Water Quality Control Board, San Francisco's supervisors caved in to strong pressure from the U.S. Interior Department and on Oct. 28 passed a resolution agreeing to obey state pollution control laws.

On Nov. 13 Alioto signed the official "policy of intent to adhere to a schedule for compliance with waste discharge requirements" established by the pollution control board.

At the same time Alioto let it be known that San Francisco wouldn't be able to meet the time schedule unless the state and federal governments put up most of the money to buy pollution control facilities which the other 90 cities in the Bay Area have taxed themselves to pay for.

Nonetheless, Alioto and other San Francisco officials have been able to say, "We are proceeding with a plan . . ."

But there is considerable confusion among San Francisco's top officials about just what that plan is:

Mayor Alioto says it's a $300 million plan to build a great sewer discharge pipe stretching miles out into the ocean. He tells reporters, "See Tom Mellon for the details."

Chief Administrative Officer Tom Mellon says its a $600 to $800 million plan to build huge "sewage caverns" in the San Francisco hills and to construct many small treatment plants along the shoreline. He tells reporters to "See Myron Tatarian for details."

Public Works Director S. Myron Tatarian says it's a $135 million plan to extend three city sewer treatment plant outfalls a few thousand feet out into the Bay and to "do something" about the great streams of human excrement which now cascade across the public beaches in the western part of the city after every little rainstorm.

Tatarian doesn't pass the buck to anyone, but he refers a lot of questions to City Engineer Robert C. Levy, who said the city is considering a whole galaxy of plans including sewage caverns, mini-treatment plants, shoreline sewage holding ponds, and, if worst comes to worst, maybe a big pipe out into the ocean.

San Francisco's fundamental problem is an antique design which combines sewage and storm water runoff in a single pipe system which, in dry weather, delivers sewage to three treatment plants, but which in wet weather overflows raw sewage through 41 bypass pipes along the city shoreline.

Tatarian said the plan adopted by the Board of Supervisors is:

1. By 1975 the city's average daily dry weather flow of 99 million gallons of partly treated sewage will be discharged in deep water tidal channels instead of spilling out close to shore in brown waves under the docks near Fisherman's Wharf, in a deadend creek near the San Francisco Wholesale Produce Market and directly onto the sands of Mile Rock Beach near Lands End.

2. By 1981, if all goes well, 12 of the city's 41 wet weather sewer discharge pipes along the ocean beaches and near Aquatic Park and the Marina will be fixed so that human excrement will no longer be dumped onto the public beaches.

No provisions were made to fix up the other 29 sewer outfalls along the Bay shoreline south of Pier 45 (Fisherman's Wharf). This area includes not only the largest sewers, but the heaviest population densities in San Francisco.

San Francisco is divided into three "sewer watershed" zones whose resident populations are: Richmond-Sunset, 170,000; Southeast

(the industrial district), 161,000; North Point (including all of downtown) 409,000.

By 1981, if the city can meet the official timetable, all of Richmond-Sunset's wet weather discharges, plus four of the 20 North Point Sewers (Baker, Pierce, Laguna and Hyde Streets) will be fixed. No one knows for certain, but these four sewers apparently serve about 60,000 persons.

This means that the toilet flushings of the entire Southeast Zone, plus 350,000 residents of the North Point Zone will continue the pour untreated into the Bay during wet weather.

The current boom in skyscraper office and apartment houses will increase the number of toilets in this zone.

A 1965 survey by the Northern California Transit Demonstration Project showed 890,-299 daily trips in and out of San Francisco Central Business District between 10 a.m. and 6 p.m. on weekdays.

This figure can be subjected to wide interpretation because visitors contribute to the sewers through toilets, restaurant dishwashing and garbage disposal machines.

City planning department officials said this particular study counted commuting workers only once, but downtown shoppers twice and also included some of the through traffic from the Bay Bridge that bypassed downtown San Francisco. The figure doesn't include evening visitors to San Francisco.

But by conservative estimates the figure could be translated into 450,000 visitors depositing into the sewer system.

This means that in the North Point and Southeast Sewer Zones the raw sewage of almost one million people will continue to get dumped into the Bay untreated every time it rains.

The timetable adopted by the Board of Supervisors and proclaimed as official policy by Mayor Alioto, makes no provision for these 29 sewers except to say that the problem will be considered "as the need arises," if and when water contact sports facilities are built along the waterfront.

Tatarian says this means that individual sewers will be diverted if the city decides to build a marina or swimming facility at a spot where a sewer now discharges.

And Tatarian stresses, the multi-million cost of fixing the sewers will be computed as part of the cost of the recreation development.

This runs exactly opposite to the policies of the regional water pollution control agency, which aims to make all parts of the Bay safe for swimming.

Levy said reconstructing the entire San Francisco sewer system to modern standards by putting in separate sanitary and storm drainage pipes would cost $1.4 billion.

He said it would require digging up every street in the city, and rebuilding the plumbing of every building to separate the sanitary pipes from the roof rain drains.

Half of the cost would be public money. The other half would be borne by private property owners, who would have to pay an estimated $2,000 per dwelling unit to make the conversion, Levy said.

"There wouldn't be any money available for other civic projects," he said.

Tatarian and Levy said various types of construction could solve a major part of the sewer overflow problem—mainly sewage retention basins—and might bring San Francisco into conformity with water quality control board standards.

They said extending dry weather outfalls into the Bay and making internal treatment plant improvements would cost $35 million.

Fixing the wet weather outfalls on ocean beaches and near the Marina District would cost $45 million. Fixing the other 29 wet weather sewer outfalls would cost $55 million.

However, Levy stressed, these are 1968 dollar figures which don't include bond interest costs, inflation or rising land and construction costs, which they said are increasing five percent per year.

Levy said these cost figures are optimistic estimates based on tentative conclusions by consultants working on an experimental design for a miniature wet-weather treatment plant that might meet water pollution standards.

This pilot plant is proposed for the Baker Street Sewer outfall next to St. Francis Yacht Club.

The success or failure of this experiment will affect all future planning to clean up the San Francisco sewer problem.

Mr. REID of New York. Mr. Chairman, I rise in strong support of H.R. 4148, the Water Quality Improvement Act of 1969.

This measure contains several important safeguards to preserve the remaining purity of this Nation's water resources and to insure that they will be free of the pollution that results from a number of major activities.

In particular, the bill provides strict controls on oil pollution and establishes the liability of the owner of the facility responsible for the oil leak for cleaning up the water and surrounding beaches. I believe that the civil and criminal penalties in this section of the bill for failure to comply with these requirements are fair and necessary in light of the several recent tragic oil leaks.

There is another aspect of this legislation which I would like to emphasize briefly. That is section 11(b) which requires that any applicant for a Federal license for an activity that may discharge waste into the navigable waters of the United States present the issuing agency with certification from the affected States that the activity will be conducted in such a manner that it will not reduce the quality of the water below the State's accepted standards. This provision is specifically intended to require that the Atomic Energy Commission take thermal pollution into consideration when issuing licenses for nuclear generating facilities.

This section was included in the bill over the objections of the chairman of the Joint Committee on Atomic Energy, who sought to weaken it in several particulars. I applaud the firm stand of the Public Works Committee in insisting on these sensible precautions so that the thermal standards for water quality adopted by 34 of the Nation's water quality jurisdictions will not be meaningless in the eyes of the AEC.

In my judgment, we must give much more study to the deleterious effects of thermal pollution. While many States have made progress in adopting thermal standards for water quality, there are indications that some of those standards are inadequate. I feel that we should effect a moratorium in the construction of nuclear powerplants until we can be sure not only that the plants present no radiological hazards, but also that they will not reduce the quality of surrounding waters or upset the ecological balance in the area. There has been some indication that the coolant towers associated with nuclear plants can be a source of enormous air pollution, and even cause weather modification in some instances. While these aspects of power production are not of immediate concern in connection with this legislation, my colleagues may wish to bear them in mind for future discussions regarding air pollution, nuclear plants, and the quality of our environment. To further befoul our air and water and retard their purification in the name of advancing technology would be folly.

It is my understanding that the gentleman from Ohio (Mr. VANIK) will propose an amendment to this bill, to incorporate the features of H.R. 9382, of which I am a cosponsor. Mr. VANIK's amendment would provide an emergency fund to provide permanent corrective relief for those areas of the Nation which are in environmental crises. Included among those "pollution disaster" areas are the Lake Erie basin, the great rivers, and other offshore regions. The problems in these areas are international, interstate, and of such magnitude that their solution is beyond the capacity of any single State. I urge my colleagues to support Mr. VANIK's amendment, in order that these areas may receive the urgent attention which they need.

Finally, Mr. Chairman, while I commend the committee's comprehensive approach to the problem of water pollution, I feel that the appropriations authorized by this legislation are totally inadequate. It has been estimated that, to restore this Nation's waters to their natural state and keep them that way, we would need to spend $100 billion between now and the end of the century. This bill would authorize appropriations of only $348 million during the next 3 fiscal years. I hope that my colleagues will provide full funding for this legislation, will increase the funds for water pollution control in future years, and provide funds for sewage treatment in an additional bill. There is a critical need for legislation providing for the treatment of solid wastes.

Mr. WOLFF. Mr. Chairman, I am pleased to join in support of the Water Quality Improvement Act of 1969 which promises to be another major step forward in our effort to curb water pollution and protect our environment for future generations.

There is a special pleasure in supporting this bill because section 18 contains provisions I had previously introduced as separate legislation to control sewage from vessels. I am, of course, gratified to see my long-standing recommendation included as part of this omnibus legislation.

It is essential that this legislation receive our prompt affirmative action. Every day our waterways are being polluted by waste from vessels, industrial spillage, oil slicks, and other pollutants that collectively threaten to permanently destroy our environment. I have long felt this is an area, along with air pollution, deserving the highest priorities of the Federal Government. It is therefore reassuring that this legislation is among the first major bills to come before the House this year. I trust we will pass this bill without delay and declare ourselves firmly in favor of necessary controls on the menace of water pollution.

As has been noted in debate the major provisions of this legislation are designed as a greatly needed assault on the prob-

lem of pollution from offshore oil drilling and oil leaking from tankers. This problem has increased sharply in recent years and reached its unfortunate zenith in January and February when the beaches of southern California were turned into filthy, blackened sponges full of oil. A repetition of this tragedy, which killed fish and wildfowl besides ruining recreational and natural resources for human enjoyment, cannot be tolerated and I am hopeful this bill would begin to solve this problem.

I am also impressed by those provisions of the bill requiring assurances that industries and utilities discharging wastes into waterways provide necessary assurances that the waste will not violate existing guidelines on pollution. This is a constructive step in the effort to curb the still unmeasurable impact of thermal pollution.

As I noted at the outset I am pleased that the bill contains provisions I had sponsored previously to control the sewage from vessels. As pleasure boating and commercial use of the waterways are growing we must have the necessary protections to ward off still another threat to our rivers, harbors, and shoreline.

This is a good bill that takes a giant step in the effort to stem the rising tide of pollution. With constructive legislation such as this there is reason to hope that the great waterways and shorelines of the United States will be conserved in a manner befitting our heritage. I believe there is little we might do that is more important than conserving that heritage so I am pleased to be able to vote for the Water Quality Improvement Act of 1969.

Mr. LANGEN. Mr. Chairman, I concur with the basic provisions of the Water Quality Improvement Act of 1969, which is before us today. The Committee on Public Works is to be commended for directing early attention to the problems of water pollution, and it is hoped that these proposals receive favorable action.

I am most grateful to the committee for including the basic principles of my own lake pollution control bill, which I introduced in 1967. I urge that this section of the bill be kept intact.

We in Minnesota are particularly aware of the benefits derived from attractive and clean lakes, since we have so many of them.

The scenic surroundings and satisfying recreational and relaxing activities associated with lakes will be in ever greater demand as our population continues to grow. It is quite a sight to see the cars stream out of our cities at the end of the week, all carrying families to a favorite lakeshore spot that promises fresh, clean air and pure water for swimming, boating, fishing, and the many other activities connected with our lakes.

Unfortunately, the presence of man in ever-increasing numbers has aggravated a problem that threatens the future of these great resources. This is why many of us introduced legislation to amend the Federal Water Pollution Control Act to authorize a comprehensive planning program in lake pollution prevention and control. The comprehensive planning programs called for in the bill before us today will go a long way toward halting the steady erosion of our lakes.

The manmade pollution of our lakes is accelerating the normal aging process of such bodies of water. Lake Erie is a conspicuous example, but our smaller lakes, some in Minnesota, also are deteriorating at a rapid pace. Rank vegetation chokes much of the lake beginning in July, and restricts fishing, boating, swimming, and other recreational activities. Subsequently the mass of vegetation begin to rot, creating odor problems, and lowering the oxygen level so that fish frequently die.

These conditions might naturally develop, through the regular aging process, but it would take thousands of years. But man has accelerated this aging process through pollution. It comes from many sources, such as septic tanks of the shoreline cottages, sewage from cities and towns situated on the watershed, pollution from livestock on farms, and draining from fertilized farmlands. Siltation from erosion within the drainage area further complicates the problem. Unfortunately, a lake has relatively little flushing action, and has much less capacity to dilute introduced wastes than does a flowing stream.

Greatly expanded Federal, State, and local research and demonstration programs are needed to develop practical and effective methods for improving the quality of lake waters. The problem must be attacked on two fronts simultaneously. First, we must find ways to remove or dissipate the existing nutrients. And then we must reduce the nutrients entering the lake.

The clean lakes section of the bill before us is a welcome step in the right direction. It authorizes the Secretary of the Interior to enter into contracts and grants with various individuals, agencies, and organizations, for research and development on the problems of lake eutrophication and other lake pollution problems. The Secretary would also be authorized to develop field laboratories, research facilities, and demonstration projects. We desperately need new and improved methods for the prevention, removal and control of natural or manmade pollution in our lakes. This bill will provide the means of accomplishing these methods.

Mr. DONOHUE. Mr. Chairman, I most earnestly urge and hope that the House will approve this bill before us, H.R. 4148, as another forward step in the legislative efforts we have exerted, and which I have supported, over the last several years to strengthen the Federal Government's effectiveness in trying to prevent catastrophic pollution of our waterways.

The provisions of this current measure are designed particularly to help the various States adequately deal with the most vexing problem of oil discharge and spillage by making shipowners liable for such discharge; establishing a revolving fund for reimbursing States faced with sudden and tremendously expensive cleanups of oil and other polluted material; initiating a demonstration program for effective water pollution control; encouraging students, through grants, to undergo training in water quality control; and authorizing funds for extending water pollution control research and development.

Mr. Chairman, the reasons for and the meaning of these and other provisions in the bill have been thoroughly and expansively explained to the membership, and there is no need of enlarging upon them at this time.

The objectives of the bill are unquestionably in the national interest and the appropriations projected are reasonably moderate in consideration of the vital importance of removing and preventing the very dangerous and damaging pollution of our national waters.

Therefore, I hope that this Water Quality Improvement Act of 1969 will be overwhelmingly adopted.

Mr. EILBERG. Mr. Chairman, I want to take this opportunity of recording my unqualified support of H.R. 4148, a bill which will help solve some of the major unmet pollution abatement needs of this country.

There is no question that water pollution is one of the most aggravating and serious problems of our time. For over 10 years now the Congress has been studying the facts and enacting progressive legislation to overcome the shortcomings of public and private action. Nevertheless, our citizens continue to express deep concern over the slow pace of cleanup efforts and achievements to purify the waters of our streams, lakes, and shoreline.

The Gallup poll, in 1968, issued the results of a study in which the people questioned were asked what they considered the most urgent of environmental problems. Thirty-two percent said water pollution. When asked what they considered the best solution, they responded that new ways must be found to stop industrial pollution, existing laws should be better enforced, and new legislation passed.

Enactment of H.R. 4148 will be a significant step in these directions.

The bill provides strong penalties for discharging oil into the navigable waters of the United States and also establishes a program in which the Federal Government can clean up the oil from a spill and require that the industry or person responsible for the spill reimburse the Government for costs of the clean up. In considering this provision, the House Committee on Public Works urged that State and local groups already formed for clean-up operations be called upon for cooperation and assistance. In addition, both national and regional contingency plans are to be developed to meet all future emergency spillages such as the *Ocean Eagle* incident off the coast of Puerto Rico.

Wastes from ships and boats with inadequate marine sanitation devices are a major cause of pollution. According to estimates of the Federal Water Pollution Control Administration, the combined waste being discharged from all watercraft operating in American waters approximates the quantity of raw sewage that could be discharged by a major city such as Buffalo or Cincinnati. The bill authorizes the Secretary of the Interior, after consultation with other appropriate

departments, to promulgate Federal standards of performance for marine sanitation devices. The enforcement of these standards would prevent the future discharge of untreated and inadequately treated sewage into navigable waters.

Acid mine drainage is still another major source of pollution. It has been estimated by the Federal Water Pollution Control Administration that each year over 4 million tons of acid-equivalents are being discharged into streams from both active and abandoned mines. These acids can destroy fish and their habitat, thereby greatly reducing the recreational value of our Nation's streams. Experts have indicated that control methods are not yet known. The bill therefore authorizes the Secretary of the Interior to enter into agreements with State or interstate agencies to carry out demonstration methods and projects for acid mine water control.

There is urgent need for more skilled manpower both in research and the operation of treatment facilities. To alleviate this need, the bill authorizes an expansion of the existing training grants program established under the Water Quality Act.

Federal agencies which control property or issue licenses and permits for construction or development, have a major role to play in pollution control, since many of these facilities and operations affect water quality. For example, the dredging and disposition of spoil in navigable waters is controlled by the Corps of Engineers. The bill provides that each agency having jurisdiction over property or over the issuance of permits or licenses must insure that all operations resulting in pollution effects, must be carried out in a manner that will comply with established water quality standards. This provision simply means that the Federal Government, in all of its activities, will lead the way in preventing pollution.

There are a number of research studies that must be sustained in the years ahead if adequate solutions are to be found to outstanding and poorly understood pollution challenges. For example, although some advances have been made on the problem of lake aging or "eutrophication," much more knowledge is required. Research is needed on the control of phosphorus and on the elimination of pollution from combined storm and sewer systems. The bill provides for these and other needs by authorizing appropriations for 2 additional years at the level already provided for fiscal year 1969.

Mr. Chairman, the control of water pollution must be a dynamic effort, responsive to both old and new problems stemming from constant technological change. I have supported the passage of earlier pollution legislation. I hope and I am confident that this House will enact into law this bill before us.

The CHAIRMAN. There being no further requests for time, pursuant to the rule, the Clerk will read the Committee substitute amendment printed in the bill as an original bill for purposes of amendment.

The Clerk read as follows:

H.R. 4148

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Water Quality Improvement Act of 1969."

Mr. WRIGHT. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having assumed the chair, Mr. SMITH of Iowa, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4148) to amend the Federal Water Pollution Control Act, as amended, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE TO EXTEND

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill (H.R. 4148) and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

ELECTION TO COMMITTEE

Mr. MILLS. Mr. Speaker, I offer a privileged resolution (H. Res. 363) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 363

Resolved, That David R. Obey, of Wisconsin, be, and he is hereby, elected a member of the standing committee of the House of Representatives on Public Works.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PRESIDENT NIXON ENUNCIATES VITAL INFORMATION POLICY

(Mr. MOSS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. MOSS. Mr. Speaker, I direct to the attention of my colleagues an important policy statement by President Nixon concerning the availability of executive branch information to the Congress.

The President, in an exchange of correspondence with me, and as set forth in his implementing memorandum to administrative officials, has stated that any claims of executive privilege to withhold information from the Congress will not be asserted without specific Presidential approval in each instance.

The information policy is consistent with the pattern established in recent years. I wish to express to the President my appreciation and that of the Subcommittee on Foreign Operations and Government Information for taking this significant step in behalf of freer access by the Congress and the American people to information concerning the activities of the Federal Government.

The above-mentioned exchange of correspondence and the President's memorandum are included herewith:

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES,
Washington, D.C., January 28, 1969.

Hon. RICHARD M. NIXON,
The President of the United States,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The claim of "executive privilege" as authority to withhold government information has long been of concern to those of us who support the principle that the survival of a representative government depends on an electorate and a Congress that are well informed.

As you know, some administrations in the past made it a practice to pass along to Executive branch subordinates a discretionary authority to claim "executive privilege" as a basis to refuse information to the Congress. The practice of delegating this grave Presidential responsibility was ended by John F. Kennedy when he restored a policy similar to that which existed under previous strong administrations, including those of Presidents George Washington, Thomas Jefferson and Theodore Roooosevelt. In a letter to the Foreign Operations and Government Information Subcommittee, dated March 7, 1962, he enunciated the policy as follows:

". . . this Administration has gone to great lengths to achieve full cooperation wtih the Congress in making available to it all appropriate documents, correspondence and information. That is the basic policy of this Administration, and it will continue to be so. *Executive privilege can be invoked only by the President and will not be used without specific Presidential approval.*"

President Lyndon B. Johnson informed the Subcommittee by letter, dated April 2, 1965, he would continue the policy enunciated by President Kennedy. He stated:

"Since assuming the Presidency, I have followed the policy laid down by President Kennedy in his letter to you of March 7, 1962, dealing with this subject. Thus, the claim of 'executive privilege' will continue to be made only by the President."

In view of the urgent need to safeguard and maintain a free flow of information to the Congress, I hope you will favorably consider a reaffirmation of the policy which provides, in essence, that the claim of "executive privilege" will be invoked only by the President.

Sincerely,

JOHN E. MOSS,
Chairman.

THE WHITE HOUSE,
Washington, April 7, 1969.

Hon. JOHN E. MOSS,
Chairman, Foreign Operations and Government Information Subcommittee, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Knowing of your interest, I am sending you a copy of a memorandum I have issued to the heads of executive departments and agencies spelling out the procedural steps to govern the invocation of "executive privilege" under this Administration.

As you well know, the claim of executive privilege has been the subject of much debate since George Washington first declared that a Chief Executive must "exercise a discretion."

I believe, and I have stated earlier, that the scope of executive privilege must be very narrowly construed. Under this Administration, executive privilege will not be asserted without specific Presidential approval.

I want to take this opportunity to assure you and your committee that this Administration is dedicated to insuring a free flow of information to the Congress and the news media—and, thus, to the citizens. You are, I am sure, familiar with the statement I made on this subject during the campaign. Now

nificant budget surplus. As the Joint Economic Committee said in its annual report:

The momentum of inflation and evidences of economic strength, despite monetary and fiscal actions of the past year, indicate the need for fiscal restraint in the year ahead—indeed, the budgetary surplus for fiscal year 1970 should be larger than the $3.4 billion estimated in the January Budget.

Excessive demands for credit which have been driving interest to unparalleled heights, and the inflationary rate of expenditures for business investment, are evidences of an excessive tendency toward investment at the expense of savings. The Federal Government can make a distinct contribution toward quieting the speculative inflationary fever by increasing the national rate of savings via achievement of a significant budget surplus.

Third. Military expenditures should be substantially cut. But the administration's proposed budget cuts are lopsidedly in the nondefense area—almost $3 billion as opposed to $1.1 billion in defense. As the Joint Economic Committee said in its April 2, 1969, report:

The largest segment of the Federal budget is that devoted to national defense expenditures. These outlays should especially be subject to expenditure analysis and control. So far, at least, we are not realizing substantial reductions in national defense spending, though there continues, of course, to be the hope that reduced outlays for Vietnam will be achieved as the year advances. To complicate the issue, costly military proposals are being made for improvements in our strategic forces, modernization of the tactical air force, other increased research and development efforts, and introduction of an ABM system. The potential adverse effect of adding to the non-Viet Nam outlays for defense is substantial. Thus the Administration and the Congress should search out and reduce defense programs and commitments of lower priority or those that have outlived their usefulness. This will not be easy but should be pursued vigorously.

Fourth. Wage-price guideposts should be restored. As the Joint Economic Committee said on April 2, 1969:

This committee, as it has for a number of years, strongly advocates the development of an effective, realistic, and definite set of wage-price guidelines. We also advocate the establishment of a special office at a high level in the administration to assemble and analyze information on a comprehensive and fair basis in order to apply these guidelines to important industries.

Fifth. Those tax loopholes which cause inflation should be repealed forthwith. Foremost among them is the 7-percent investment tax credit, which contributes both to the inflation in the capital equipment industry and to the inflationary overdemand on scarce credit supplies. As the Joint Economic Committee said on April 2, 1969:

First priority in tax reform should be given to repeal of the 7 percent investment tax credit as a significant step toward reducing inflation.

Other loopholes which are directly inflationary and should be promptly plugged are the hobby farms loophole, which bids up the price of farmland, and the accelerated depreciation provision, which causes speculative price rises in urban real estate. Other loopholes whose inflationary impact is less direct—the oil depletion allowance, the abuse of the capital gains provision, tax-exempt local securities, for example—should likewise be closed, if only to serve as an answer to the taxpayer's revolt.

Despite much talk of a tax reform message by the administration any day now, if press hints of what it may contain are to be believed, it will be more of a mouse than a lion. Major loopholes—the oil depletion allowance, the investment tax credit, capital gains at death, tax-exempt bonds—will be largely untouched. Instead, affluent loophole-enjoyers will be charged a small hunting or license or users fee for enjoying the loophole. New loopholes, known as tax incentives for businesses will be introduced, thus removing further areas from congressional annual budgetary control. New revenue raising for the fiscal year starting June 30 will be close to zero.

Sixth. Interest rates should be brought down. As the Joint Economic Committee said in its annual report of April 2, 1969:

Should inflationary pressures worsen, we advocate strongly that purchasing power be siphoned off through increased taxes and the resulting surplus applied to reduction of the national debt. We oppose any further increase in our already excessive interest rates and urge their reduction to a level that is less dislocative and harmful to our economy."

This is an admonition, let me make it clear, not that the Federal Reserve System bring interest rates down by creating new money at an excessive rate, but instead that we lower interest rates generally by removing from the demand side of the credit equation the swollen demand for business equipment spending engendered by the 7 percent investment tax credit.

Lower interest rates will help three elements of the economy that need help—the homebuilding industry, State and local government, and small business. If repeal of the investment tax credit does not by itself product sufficiently lower overall interest rates, consideration should be given to direct controls over credit. The Nation used this power over consumer credit by raising the down payment and shortening the payoff period on purchases of cretain consumer durable goods, in the early 1950's, during the Korean inflationary period, with considerable success. We should be ready to employ consumer credit controls again rather than see interest rates rise out of sight.

When you look at the kind of program needed to win the war against inflation, you come to the reluctant conclusion that the administration's choice of anti-inflationary weapons is just not going to do the job. Indeed, a war that begins by postulating a 3.5 percent rate of inflation this year concedes defeat before it starts.

Perhaps the saddest aspect of the phony war on inflation is that the administration committed itself before election against doing anything very meaningful about inflation. This was clearly shown in just one day of Mr. Nixon's campaign last fall. On November 1, Mr. Nixon campaigned through Texas. Under the heading "Nixon Pledges Support to Top Texas Ventures," the Los Angeles Times described the day's activities:

Richard M. Nixon jet hopped Friday across President Johnson's home state promising to support ventures dear to Texas ears. Trying hard to win the 25 Texas electoral votes, Nixon promised in stops at Ft. Worth, Lubbock and San Antonio that he would:

Retain the F–111, the controversial swing-wing fighter conceived under the Kennedy Administration, which is produced in its Air Force version at the General Dynamics Corp. plant in Ft. Worth.

See to it that a "fair shake" is given U.S. farmers and textile producers in secret trade negotiations with foreign countries.

Recognize that government, rather than private enterprise, is better qualified to handle great projects like the $1 billion Trinity River Project that could open Ft. Worth to oceangoing ships. The project has been authorized by Congress, but funds have not been appropriated.

Stand firm by his commitment to support the 27½ percent oil depletion allowance that is built into the Internal Revenue Code as an inducement for oil production but that is a constant target for tax reformers.

Here, in one swoop, Mr. Nixon promised to continue one of the military's most expensive and wasteful aircraft ventures; to see that U.S. food and textile producers are protected against foreign competition that might lower their domestic prices; to back the $1 billion Trinity River project by the Corps of Engineers—a project that some say would be less costly if Fort Worth were made an ocean port by moving it bodily down to the sea; and to avoid tampering with the present oil depletion allowance, thus passing up a leading opportunity of increasing Federal revenues and balancing the budget.

November 1 was a day the Nation will long remember. And there were, unfortunately, many like it.

The administration has made clear that it is not meaningfully going to cut military and military-related expenditures; that it rejects wage-price guideposts; that it has no intention of repealing the system of tax loopholes, ranging from the investment tax credit to the oil depletion allowance. The administration has thus unilaterally disarmed itself before the war against inflation has begun.

My complaint is nonpartisan. But it is no answer to the absence of a real war on inflation today that it was the Democrats who allowed the wage-price guideposts to atrophy, who enacted the investment tax credit, who have let the tax loopholes go unplugged for years, who have enormously increased military spending.

Nothing could please me more than to help President Nixon turn the phony war against inflation into a real war. There are enough of us on the Democratic side who feel as I do, to give him a clear majority if he should decide that we are really going to wage a war against inflation.

MORTON ATTACKS APATHY IN CHESAPEAKE BAY DEVELOPMENT

The SPEAKER pro tempore. Under previous order of the House, the gentle-

man from Maryland (Mr. MORTON) is recognized for 30 minutes.

Mr. MORTON. Mr. Speaker, before us today is another bill, which I support, aimed at controlling pollution of our water resources. The measure authorizes new weapons—in the form of funds, demonstration projects, and educational programs—to be used in our fight against this encroachment on our environment.

We can see the vital need for acts of this nature when we consider the impact of pollution on a specific body of water. For this reason, Mr. Speaker, I would like to speak at this time on a matter of grave economic and environmental importance to this Nation. This is the rapidly accelerating deterioration of Chesapeake Bay, the largest, possibly the most magnificent, and certainly the most productive estuarine area in the United States.

Mr. Speaker, let me hasten to say I am indebted to many people who are dedicated to the proposition of conserving our environment, and particularly to saving this magnificent bay and its system of watersheds.

We have been guilty of an almost criminal neglect in allowing urban and technological pressures to stalk virtually unchecked through the estuarine environment. Pollution is steadily, silently winning its fight against society. Its arsenal consists of ignorance, temporizing and apathy—simple weapons which man effectively uses against himself.

If the Chesapeake Bay water resource planning and concomitant action are to be more than a frantic race to catch up with the present, immediate action must be forthcoming. A study of wide scope is urgently needed to develop a comprehensive plan to set forth an effective and rational program of management for the Chesapeake Bay. The Corps of Engineers has been authorized to make this study; the problem has been that the funds have not been appropriated.

The Chesapeake Bay, situated as it is in a rapidly expanding industrial and urban complex, is as vulnerable to the adverse effects of the works of man as any other estuarine system in the world. In order to save it, we must institute a sound program based on a firm foundation of an expanding estuarine and watershed management technology.

The problems that are emerging today forecast the magnitude and complexity of problems expected in the future. In 1960, the 64,000 square mile drainage basin was the recipient of the waste products of an estimated 11 million people.

This population will grow to approximately 17 million by 1990 and is projected at 30 million in the 2020.

The increasing nutrient and chemical loads in the bay system is a problem of great concern. One appaling source of this is the District of Columbia sewerage system. After final treatment, it discharges some 8 million pounds of phosphorus and 25 million pounds of nitrates into the Potomac River annually. Unless tertiary treatment facilities are provided, the above numbers can be expected to double within the next 25 years. An excess of chemical nutrients frequently leads to explosive blooms of algae and to increased growth of noxious aquatic weeds which triggers other problems. These noxious weeds tend to trap silt, potentially causing a shoaling problem. Small boats are inoperable in areas heavily infested by weeds. Further, weeds affect the recreational and esthetic uses of the waterways. If nutrient discharges are excluded from a flowing nontidal river, the river in time will revert to its natural state. But, the damage done to the estuary by excess nutrients is virtually irreversible because of the continuous recycling of the nutrients.

It is generally believed that the present trend toward more intensive urban development in the United States, and in nearly all other nations, will persist at least through the end of this century. Problems associated with water resources management in urban areas have become both acute and complex. As this development moves along the tributaries of the bay system, we shall see radical changes as more and more agricultural and forest lands are replaced by streets and roofs.

Urban construction skins the earth's surface and can increase sediment yield a thousand fold. These sediments enter the bay and smother bottom-dwelling organisms and create esthetically objectional conditions. Over the centuries, shore and bank erosion have removed much fine agricultural land, in fact a number of islands in the bay have completely disappeared.

Urban development tends to increase runoff, which, in turn, lowers the groundwater table. Depending on the extent of development, this can cause a measurable decrease in base flows during drought periods, which can have a significant effect on salinity values in the tributaries.

Growth in impervious areas increases both the magnitude and frequency of flooding, which can have a decided effect on water quality in the estuarine environment.

Rapidly expanding electrical power requirements and the resulting demand for larger powerplants are requiring use of large volumes of estuarine water for cooling purposes. One proposed plant on Chesapeake Bay will use about 1 million gallons of water per minute for cooling, with a rise of 10 to 12 degrees Fahrenheit in water temperatures. The exact effects of heat on many estuarine species is not well known, but this problem is being studied by a number of scientific and educational institutions.

The States of Maryland and Virginia have no technically reliable system to evaluate the effect of thermal loads on specific bay areas. On the other hand, some public utility companies have spent considerable sums on the construction of hydraulic models in an effort to estimate the effects of thermal electric plants on aquatic environments.

The protection of aquatic life from adverse water quality factors is much more complicated in the estuary because of its diversity of life and the fragile nature of its ecological interrelationships. The subtly shifting estuarine equilibrium can easily move toward ecological disaster through neglect or mismanagement. A grave example of our lack of understanding of ecological balance occurred in Virginia in 1966, when the oyster crop was virtually destroyed by *Michinia nelsoni*—MSX. A better knowledge of the basin system might have minimized the spread of this oyster-killing fungus.

Accelerated urban development, an increasing amount of leisure time, and a generally expanding level of personal income have created a great demand for water-based recreation in the bay area. Conversely, and ironically, the industrial and economic base of the prosperity that generated the demand also threatens to destroy the existing recreation potential by its deleterious effect on the water quality upon which water-based recreation depends.

There are other significant threats to the Chesapeake Bay environment. These include both inter- and intra-basin diversions of fresh water inflows. Current examples are first, the deepening of the Chesapeake and Delaware Canal, which will increase the net amount of water flowing from the head of Chesapeake Bay into Delaware Bay from about 900 cubic feet per second to about 3,000 cubic feet per second; and second, the Baltimore water supply tunnel, which taps the Susquehanna River above Conowingo Dam. Fresh water diversions can alter the salinity regime of the headwaters of the bay, affecting the spawning of many species of fish.

Many estuarine areas have been subject to the gradual destruction of wetlands through filling for urban development. The once productive San Francisco Bay has been reduced by approximately one-third through land reclamation operations. Wetlands, now recognized as "powerful biological engines," produce many of the organic nutrients so necessary for the maintenance of the estuarine ecological system. The extensive, well-established Chesapeake Bay wetlands must be protected, now, from shortsighted land-use patterns.

The great size of Chesapeake Bay, its little understood physical, chemical, and biological parameters, and the effect which rapidly increasing population and urban-industrial development have on the estuary, make necessary for the preservation of the rare body of water a specialized study. Realizing this, the Congress directed, in section 312 of the River and Harbor Act of 1965, that a complete study of Chesapeake Bay be made by the Corps of Engineers, and that, as a part of this study, a hydraulic model of Chesapeake Bay be constructed in the State of Maryland.

The Corps of Engineers, with the advice and support of many Federal agencies, the States concerned with Chesapeake Bay, and a number of educational institutions of outstanding competence in bay-oriented research, has prepared preliminary plans for this authorized study of Chesapeake Bay.

These plans take cognizance of the extreme complexity and reaction potential within the bay to the man environment, and well note that no single political or social entity can have the requisite

personnel, equipment, and technical know-how to accomplish the many specialized studies needed for such a comprehensive investigation.

Fortunately, the required expertise does exist among the many agencies which historically have been responsible for certain features of water resource development.

The proposed Chesapeake Bay study is a comprehensive estuarine study. It is multidisciplinary in scope, encompassing the engineering as well as the physical, biological, and social sciences. The study is being managed by the district engineer, Baltimore, Md., whose staff is experienced in managing resource development studies of a size comparable to the magnitude of the Chesapeake Bay study. Comprehensive planning experience in many disciplines has been developed and strengthened over time by intense involvement in diverse studies.

But on the whole, this effort is not moving forward to the degree it should, because of lack of funds. This indicates to me that the importance and survival of this great estuary as a biological, productive entity has not been considered in its relative urgency.

The specific objectives of this study are to:

First. Make a complete investigation and study of water utilization of the Chesapeake Bay Basin.

Second. Formulate a long term sound water-land management plan for the development and use of the bay area's resources, with special attention to improving the economic and social well-being of the people of the Chesapeake Bay area.

Third. Define an early action program, setting forth those elements which require prompt execution in order to: first, prevent deterioration of the bay's resources and environment, and second, meet present needs.

Fourth. Make recommendations for carrying out the plans and programs, including institutional arrangements, cost sharing, and management of the bay's resources.

It is intended, further, that the study develop a mechanism by which the plan recommended for optimum development of the area can be subject to review and revision as changing conditions require.

A major difficulty confronting the formulation of a rational plan of management is a serious lack of quantitive data. Never has an adequate inventory of the bay resource been attempted. Little quantitative data are available concerning the physical, chemical, and biological characteristics of the bay and the capacity of the bay to support its own natural functions as well as the diverse and often destructive activities of man. This serious lack of perspective of the bay environment in its present uneasy relationship with a rapidly expanding urbanized environment is probably the most dangerous existing threat to the bay system.

A logical plan of study directed toward development of a comprehensive plan must include many parameters because, for whatever purpose the bay is used, such use affects all other purposes. There is a need for a coordinated management approach to developing and preserving the resources of the system. Although the States of the bay area support a number of progressive agencies which have regulatory and management functions in Chesapeake Bay, there is no single agency that is actively engaged in an overall multistate planning effort directed toward the maintenance, enhancement, and rational utilization of the bay resources.

This complete study of water utilization and control, involving the largest estuary in the Nation and its spectrum of complex problems, is expected to yield significant knowledge of many important physical, chemical, biological, and social phenomena of importance not only to Chesapeake Bay, but to other estuarine areas. This study undoubtedly will improve the environmentalist's ability to estimate the effect of man's works on estuarine ecology, based on the development of a methodology to determine realistically the carrying capacity of these important resources.

As a part of the Chesapeake Bay resource study, a hydraulic model of Chesapeake Bay, together with a technical center for bay studies ,is planned for construction at Matapeake, Md.

Thus far, the research activities which have been completed and those in progress, have established the Chesapeake Bay region as a world center for estuarine research. However, as work has progressed, it has become readily apparent that a jump in basic and applied engineering research capability is necessary.

Currently available investigative and analytical techniques have provided much valuable assistance in determining the gross physical operating characteristics of the bay system. However, the time is past when unilateral problem solutions based on judgment, available but inadequate technology, and reconnaissance type data are of use to the Chesapeake Bay community.

The hydraulic model of Chesapeake Bay will provide the necessary steps to the scientific and engineering problem solutions so urgently required now.

Most of the problems confronting the Chesapeake Bay are not and cannot be subject to rigorous mathematical analysis. The hydraulic model is an absolute necessity for continuing the economic, scientific and engineering study for the preservation of the bay.

Some of the important uses of the model are:

First. Determination of the salinity distribution in the bay system, and how it is affected by both natural events and the works of man.

Second. Determination of the mechanics of estuary flushing, the characteristics of waste dispersion, and the potential waste assimilation capacity of the bay.

Third. Location and evaluation of erosion and sedimentation problems.

Fourth. By analogy, the effects of certain processes, both of nature and of man, on some biological characteristics of the bay.

Fifth. Determination of least hazardous site location for underwater outfalls, thermal power station, and so forth.

At the request of the House Appropriations Committee a reanalysis of the study was completed during fiscal year 1969. The revised cost estimate for the Chesapeake Bay resource study is approximately $15 million.

A conservative estimate of the combined yearly value of both the commercial and the sport fishery of Chesapeake Bay is $100 million. If we were to capitalize the fishing industry at $100 million a year at 4⅝-percent interest for 50 years, we would arrive at the astronomical sum of $18.6 billion. The total cost of the proposed Chesapeake Bay resource study is less than one-tenth of 1 percent of $18.6 billion.

It must be remembered that the fishery resource of Chesapeake Bay represents only a small portion of the total value of the bay.

Process, procedure, and habit have been developed and applied for so long without thought to actual or potential impact on our environment, that many areas have already been reduced to an intolerable pollutional morass. This is doubly tragic as the technology to study and abate has been readily available. We cannot allow ourselves to be reduced to a State of self-pity, and possibly self-destruction. We must use our technical and scientific resources.

It is imperative that lead time on Chesapeake Bay be generated before we are forced into agreement and action by catastrophe. We simply must assume the responsibility to make this important study, develop rational management schemes, establish a viable management mechanism, and bring to a halt the steadily increasing deterioration of the bay resource.

It is impossible to overemphasize the fact that, as the quality of the environment deteriorates, so does the quality of life. We must stop fouling our nest, for at the very least, it will soon become uninhabitable, and at the very most, nonexistent.

Recognizing the problems, and lip service to them, is no longer enough. Action is the only answer.

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Iowa (Mr. CULVER) is recognized for 10 minutes.

[Mr. CULVER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

DISPOSAL OF RIGHTS IN INDIAN TRIBAL LANDS WITHOUT TRIBAL CONSENT

(Mr. MOSS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MOSS. Mr. Speaker, I am today introducing a bill to protect Indian tribes from involuntary alienations of interests in their lands by the Secretary of the Interior or other Federal officers.

This late in the 20th century, it probably surprises many Members of this

House, as well as the public, that the Secretary of the Interior may still have power to grant away Indian property without the Indians' consent.

The Indian Reorganization Act of 1934 empowers tribes organized under its provisions "to prevent the sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets without the consent of the tribe." Similar provisions are contained in the Oklahoma Indian Welfare Act of 1936. Hence, tribes organized under these acts have a guarantee from Congress that rights-of-way will not be granted, or other interests in their lands alienated, without their own consent. Tribes which did not organize under either of those acts have no such statutory guarantee.

The Indian Reorganization Act allowed the tribes 2 years within which to choose whether or not to come under its provisions. Because of various restrictions imposed by the act, many tribes voted to stay out. Today the tribes which did not organize under either that act or the Oklahoma Indian Welfare Act, have more members than those who did, and own more land.

Whether the tribe came in or stayed out of the Reorganization Act has nothing to do with the current effectiveness of its organization or its present-day ability to manage its own property. For example, some of the Pueblos of New Mexico have highly organized village governments, maintained on traditional lines since long before the Indian Reorganization Act was even proposed. Some other tribes adopted constitutions under the act, but developed little or no organization except on paper. The largest American Indian tribe, the Navajo, with more land, more citizens, and a more elaborate government than several of the territories, operates entirely outside the Reorganization Act.

Despite the fact that only tribes under the Indian Reorganization Act or Oklahoma Indian Welfare Act have a statutory guarantee against such action, the Department of the Interior has not, in fact, granted a right-of-way over any Indian tribe's lands without its consent for many years. And since 1951 a departmental regulation has required consent from all land-owning tribes alike, whether or not they are organized under one of the acts. The Department by its long continued practice has acknowledged the obvious fact that the tribes outside the acts are just as progressive and just as well able to look after their own interests as those under them.

On April 4, 1967, the Interior Department published a proposed new regulation which would have abolished the consent requirement wherever it is not commanded by statute. That is, it would have taken away the right of the tribes not organized under the Indian Reorganization Act or the Oklahoma Indian Welfare Act to veto unwanted rights-of-way across their lands.

The Secretary of the Interior admitted that this radical and retrograde proposal was drafted with the situation of the Navajo Tribe in mind, because that tribe, a few years ago, was unwilling to consent promptly to rights-of-way for a certain power project on its lands. Eventually the disagreement was settled amicably, and the consent given. Nevertheless, to prevent recurrence of similar disputes, not rare in the business world, the Department proposed to strip all non-IRA tribes of their power to keep unwanted rights-of-way off their lands. The consent requirement was to be abolished not because the Navajos had proved themselves incapable of guarding their own interests, but because they guarded them too well.

The House Committee on Government Operations recently published a report of this study of the Department's proposal, House Report 91–78, 91st Congress, March 13, 1969, entitled "Disposal of Rights in Indian Tribal Lands Without Tribal Consent." As a result of this study the Department of the Interior returned to reason and withdrew its proposal to abolish the consent requirement. The committee recommended, however, that consideration be given to amending the Indian Right-of-Way Act to require tribal consent to all right-of-way grants of tribal land, so as to afford the Indians adequate protection from possible spoliation of their property by the overbearing paternalism of Federal officers.

The bill which I am today introducing would do precisely this; namely, extend to tribes outside the Indian Reorganization Act, the same statutory protection against unconsented rights-of-way over their land as is enjoyed by the tribes organized thereunder.

Most people think of rights-of-way as long narrow strips used for communication or transportation facilities. Some of these, like limited-access highways can take in a lot of land and effectively split communities in two. But the Interior Department's interpretation of the term "right-of-way" goes even further; it includes reservoir sites among other things. In one case, the Department granted a right-of-way of Indian land for a 53,000 acre reservoir. The law places no limit on the term of years of an Indian right-of-way.

Make no mistake about this: the power to grant rights-of-way over Indian tribal land is the power to grant away permanently whole Indian reservations.

The area of Indian tribal land in the lower 48 States has shrunk to approximately 39 million acres. This seems like a lot of land, but it is not good land. The most productive areas were taken away from the Indians a century or more ago. What they have left is generally only what the white immigrants did not want. It is largely desert, suitable only for grazing one cow per 40 acres. Despite widespread belief to the contrary, only a small part of it produces oil or other minerals. Very little of it produces crops the Indians can live on, and even less crops they can sell for cash. Thirty-nine million acres of such land is an irreducible minimum Indian landholding. To this land 387,000 Indian citizens look, in part at least, for their livelihood. We already have enough "problems of the cities" caused by unskilled black and white poor people forced off the land. None of us wants to add a "city Indian" problem. Indian Tribes should be able to preserve every acre of Indian land for tribal purposes, if they so desire.

The Department of the Interior was not able to give a single valid reason why the power to prevent unwanted grants of their lands should be stripped away from a majority of our tribal Indian citizens. In fact, the Secretary of the Interior admitted to the Government Operations Committee:

> Generally, those requiring rights-of-way over tribal lands have encountered no particular problems in obtaining Indian consent.

He did not even suggest a reason why such problems might arise more frequently with tribes outside the Indian Reorganization Act, so as to be remediable by amendment of the regulation, than with tribes under the act, where only Congress could authorize grants over tribal veto. Furthermore, neither the Secretary of the Interior nor any other reasonable person can assert that an Indian tribe is always wrong when it refuses consent to a particular proposed right-of-way. The State highway department, the local power company, the natural gas pipeline company, and even the Corps of Engineers are not always right when they want to oust citizens from their land for a right-of-way.

The bill I am introducing today, which is based on the recommendation in the report of the House Government Operations Committee, would simply amend the Indian Right-of-Way Act of 1948 to plug up the loophole that made possible the Interior Department's vindicative proposal to abolish the consent requirement. That act, which requires tribal consent only in the case of tribes organized under the Indian Reorganization Act or the Oklahoma Indian Welfare Act, does not repeal any previous right-of-way act, of which there are about a dozen, some adopted as long ago as the Indian wars. None of them expressly requires tribal consent to right-of-way grants. My bill would require consent of the proper tribal officials to all rights-of-way over tribal land, whether granted under the 1948 act or any other act, and whether or not the tribe involved is organized under the Reorganization Act or any act. In case of tribes not organized at all—of which there are very few—the amendment would require consent by a majority of the adult members of the tribe. This consent could be obtained in a referendum called by the Secretary of the Interior, or if the tribe was small enough to make such procedure practicable, by collecting signatures on a petition.

The principle that Indian tribes should not be deprived of their property without their consent is one of the oldest in the jurisprudence of the Western Hemisphere. It was first stated in 1532. It was adopted by the United States in the Northwest Ordinance of 1787, even before adoption of the Constitution. Today, when Indian property holdings have long since been cut down to the irreducible minimum, it is more valid than ever.

In the 19th and early 20th centuries, Congress riddled the principle with loopholes. Since 1934 we have been closing

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CONTENTS

Alaska land.....23
Budget.....4,10
Census.....3,22
Competition.....5
Congressional reform.6,15
Creditable service....18
Credit union insurance.....25
Domestic programs.....4
Employment.....13,16
Food additives.....27
Foreign trade.....9,19
Forests.....12,14,16
Job Corps.....2,12
Land acquisition.....7
Lands.....16,23
Meat imports.....19
Military training....21
Minerals.....17
Personnel....3,13,18,29
Pesticides.....20
Pollution.....1,11
Privacy.....3
Recreation.....24
Reorganization.....15
Retirement.....18,29
River basin.....24
Rural mail.....28
Systems analysis.....15
Taxation.....5,8,17
Time.....26
Trails.....30
Water pollution..1,11,24

HIGHLIGHTS: House passed water pollution bill. Rep. Mahon inserted report summarizing results of 1970 budget review.

HOUSE

1. WATER POLLUTION. Passed, 392-1, with amendments H.R. 4148, to amend the Federal Water Pollution Control Act. pp. H2684-718.
   Agreed to the following amendments:
   By Rep. Cleveland, to direct the Secretary of the Interior to conduct a study as to the feasibility of any and all methods of financing federally supported water pollution programs. pp. H2695-6.
   By Rep. Horton, to provide for a program of Federal recognition awards to private industry and local government which demonstrate excellence in the fight against pollution of our waterways. pp. H2701-3.
   By Rep. Vanik, to provide a $20 million authorization for Great Lakes demonstration projects to develop techniques and preliminary plans to remove polluted matters and abate new pollution. pp. H2709-10.
   Rejected the following amendments:
   By Rep. Stratton, to place controls on the effect of thermal pollution by nuclear reactors. pp. H2696-701.
   By Rep. Vanik, to provide for the establishment of national pollution disaster areas. pp. H2703-8.
   By Rep. Steiger, to delete from the bill the sections regarding training grants and contracts, and scholarships. pp. H2708-9.
   By Rep. Hungate, to prohibit a State from enforcing antipollution regulations against any vessel subject to provisions of the Act. p. H2711.
   By Rep. Pucinski, to prohibit the dumping of dredgings into the Great Lakes by the Army Corps of Engineers. pp. H2712-14.
   For other provisions of the bill see Digest 59.

2. JOB CORPS. Reps. Ryan and Tunney expressed concern over the proposed closing of 59 Job Corps centers "for training youth from our urban ghettos and deprived areas of rural America." pp. H2733-4, H2748-9.

3. PRIVACY. Rep. Podell criticized the government "invasion of person privacy" in data collected by certain Federal agencies, required census questions, and "unwarranted invasions of personal privacy by the executive branch of Government of its millions of employees." pp. H2736-7

4. BUDGET; DOMESTIC PROGRAMS. Rep. Devine commended the President's proposals for reductions in Federal spending. pp. H2719-20.
   Rep. Rhodes inserted the President's statement concerning his domestic program. p. H2748.

5. TAXATION; COMPETITION. Rep. Karick inserted the testimony of Willis E. Stone, National Chairman of the Liberty Amendment Committee, in support of his resolution proposing an amendment to the Constitution relative to abolishing personal income, estate, and gift taxes and prohibiting the U.S. from engaging in business in competition with its citizens. pp. H274203.

6. CONGRESSIONAL REFORM. Rep. Saylor spoke in support of congressional reform and inserted an article from Reader's Digest, "Is Congress Destroying Itself?" pp. H2746-7.

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PROCEEDINGS AND DEBATES OF THE 91st CONGRESS, FIRST SESSION

Vol. 115 WASHINGTON, WEDNESDAY, APRIL 16, 1969 No. 60

Senate

The Senate was not in session today. Its next meeting will be held on Friday, April 18, 1969, at 12 o'clock meridian.

House of Representatives

WEDNESDAY, APRIL 16, 1969

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

By grace you have been saved through faith, and this is not your own doing, it is the gift of God.—Ephesians 2: 8.

Our Father God, in whom we live and move and have our being, we humbly pray Thee so to guide and govern us by Thy spirit that in all the procedures of these hours we may never forget that Thou art with us. Send us out into this new day sustained by—

A faith that shines more bright and clear
When tempests rage without;
That when in danger knows no fear,
In darkness feels no doubt.

Into Thy keeping we commit our country and all who live and fight and die for her that freedom may continue to be gloriously alive in our world. Strengthen them in danger; comfort them in sorrow; keep them steadfast in the performance of duty and ever loyal to this Nation we love with all our hearts.

Lead us, our Father, in the paths of right; blindly we stumble when we walk alone, only with Thee do we journey safely on.

In the name of Him who is the way, we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

PRESIDENT NIXON'S REVIEW OF THE 1970 BUDGET

Mr. MAHON. Mr. Speaker, for general information and reference purposes of Members who may be interested, I ask unanimous consent to insert in the extension section of today's RECORD the report summarizing the results of the review of the 1970 budget, released yesterday by the Executive Office of the President.

The document supplies a capsule synopsis of the proposed and projected changes in the budgets for fiscal years 1969 and 1970 submitted by President Johnson in January of this year.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

MAIL SERVICE FOR MAMIE DOUD EISENHOWER, WIDOW OF FORMER PRESIDENT DWIGHT DAVID EISENHOWER

Mr. ALBERT. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 10158) to provide mail service for Mamie Doud Eisenhower, widow of former President Dwight David Eisenhower.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the bill, as follows:

H.R. 10158

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all mail matter sent by post by Mamie Doud Eisenhower, the widow of former President Dwight David Eisenhower, under her written autograph signature or facsimile thereof, shall be conveyed within the United States, its possessions, and the Commonwealth of Puerto Rico free of postage during her natural life. All of her mail marked "Postage and Fees Paid" in the manner prescribed by the Postmaster General shall be accepted by the Post Office Department for transmission in the international mails. The postal revenues shall be reimbursed each fiscal year, out of the general funds of the Treasury, in an amount equivalent to the postage which otherwise would be payable on matter mailed pursuant to this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce may sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

ECONOMIC SANCTIONS TO CURB NORTH KOREAN AGGRESSION

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PUCINSKI. Mr. Speaker, the brazen and wanton murder of 31 American airmen over the Sea of Japan is another example of North Korean aggression against the United States.

I think we all ought to be reminded today that when Mr. Nixon accepted the nomination in Miami, in his acceptance speech, he said it was time for an administration that would react promptly and effectively against incidents like the *Pueblo*.

I hope Mr. Nixon will make good in that pledge.

I suggest there are several things that can be done short of military intervention. I am not sure that we want to engage in military intervention in North Korea at this time any more than we wanted to when the *Pueblo* incident occurred.

Of course, when we see today in retrospect the tortures committed upon the American sailors of the *Pueblo*, and then this wanton shooting down of an aircraft yesterday, the least this country can do right now is to demand economic sanctions and an economic quarantine of North Korea.

Several of our allies are today doing business with North Korea. They include Japan, Hong Kong, England, and others. The least these allies can do is stand behind the United States in quarantining this aggressor before this whole situation gets out of hand.

Mr. Speaker, the time has come when Secretary Rogers ought to demand that America's allies join us in an economic quarantine of North Korea. If they are not willing to join us, we should come to the realization that they are only fair weather friends and cannot be counted on when we need their help.

ACTION DEMANDED ON NORTH KOREAN INCIDENTS

(Mr. DICKINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKINSON. Mr. Speaker, last fall in his quest for the Presidency, Mr. Nixon said, in referring to the *Pueblo*:

> When respect for the United States of America falls so low that a fourth-rate military power like North Korea will seize an American naval vessel on the high seas, it is time for new leadership. I pledge to you the American flag is not going to be a doormat for anybody at home or abroad.

I applauded his statement then because I believed it came from the man, not just a candidate for public office.

Now once again we are the innocent victims of armed piracy and aggression from North Korea. They have shot down an unarmed American plane 100 miles at sea, thus murdering 31 Americans on board.

Mr. Speaker, I know I speak on behalf of millions of Americans who voted for a change last November—not 4 more years of indecision, frustration, and fear—when I say we are waiting, Mr. President, for you to make your promise good.

YESTERDAY THE "PUEBLO"—TODAY THE "WILLY VICTOR"—WHAT TOMORROW?

(Mr. FREY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FREY. Mr. Speaker, I spent most of my active naval service flying in the same type of reconnaissance aircraft which, according to the latest Defense Department statement at 11 a.m. this morning, was apparently shot down by North Korean aircraft far outside the claimed territorial air space of this nation. We called the aircraft BT's—big targets. They are unarmed, cruise at only 175 knots, and provide an easy target for an enemy.

Our wing was engaged in part to fly a barrier from Midway to the Aleutians and back. Although we only had 19 men aboard, we never felt unprotected or alone. We knew that 180 million fellow Americans were behind us. We knew that in fulfilling our obligation to our country, America would in turn fulfill its obligation to us.

The Defense Department statement points out that this flight was one of 190 similar flights made to date, all considered lawful use of international air space. Whereas all of the flights operated at least 40 nautical miles from the North Korean coast, this plane was operating at least 50 nautical miles from the North Korean coast. Despite a huge search and rescue mission, there are no reports of survivors.

I do not presume to know what course we should now follow. It is obvious we cannot afford to become engaged in another Asian land war. But it is equally obvious that we have not fulfilled our obligations to 30 Navy men and one marine who were aboard this vessel, and all the others in the service of their country. In some way and by some method North Korea must pay the price. Yesterday the *Pueblo*—today the *Willy Victor*—what tomorrow?

CALL OF THE HOUSE

Mr. SPRINGER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The gentleman from Illinois (Mr. SPRINGER) makes the point of order that a quorum is not present, and evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

[Roll No. 36]

The Clerk called the roll, and the following Members failed to answer to their names:

Abbitt	Frelinghuysen	O'Konski
Ashbrook	Fuqua	O'Neal, Ga.
Ashley	Gallagher	Ottinger
Barrett	Garmatz	Patman
Bates	Gray	Pepper
Bell, Calif	Griffiths	Pike
Boland	Gross	Powell
Brock	Halpern	Purcell
Carey	Hansen, Wash.	Rooney, N.Y.
Celler	Hébert	Rosenthal
Chappell	Jacobs	Scheuer
Clark	Jones, Tenn.	Symington
Clay	Kee	Teague, Tex.
Cunningham	Lukens	Yatron
Davis, Ga.	Madden	
Dawson	May	
Dwyer	Morton	
Ford, William D.	Moss	
	Murphy, N.Y.	

The SPEAKER. On this rollcall 381 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CORRECTION OF ROLLCALL

Mr. SMITH of Iowa. Mr. Speaker, on rollcall No. 30, on March 26, a quorum call, I am recorded as absent. I was present and answered to my name. I ask unanimous consent that the permanent RECORD and Journal be corrected accordingly.

The SPEAKER. Is there objection to the request of the getleman from Iowa?

There was no objection.

WATER QUALITY IMPROVEMENT ACT OF 1969

Mr. FALLON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4148) to amend the Federal Water Pollution Control Act, as amended, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Maryland.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 4148, with Mr. SMITH of Iowa in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday the Clerk had read through section 1, ending on page 38, line 17, of the committee substitute amendment.

If there are no amendments to this section, the Clerk will read.

The Clerk read as follows:

SEC. 2. Existing sections 17 and 18 of the Federal Water Pollution Control Act, as amended, are hereby repealed. Section 19 of the Federal Water Pollution Control Act, as amended, is redesignated as section 24. After section 16 of the Federal Water Pollution Control Act, as amended, there is hereby inserted the following new sections:

"CONTROL OF POLLUTION BY OIL AND OTHER MATTER

"SEC. 17. (a) For the purpose of this section, the term—

"(1) 'oil' means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, and oil refuse, but does not include oil mixed with dredged spoil;

"(2) 'matter' means any substance of any description or origin, other than oil, dredged spoil, and human body wastes and the wastes from toilets and other receptacles intended to receive or retain human body waters, which, when discharged into the navigable waters of the United States or the waters of the contiguous zone in substantial quantities, presents, in the judgment of the Secretary, an imminent and substantial hazard to public health or welfare, including fish, shellfish, and wildlife, and shorelines and beaches, but such term does not include by-product material, source material, and special nuclear material as defined in the Atomic Energy Act of 1954 (42 U.S.C. 2013).

"(3) 'discharge' means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping;

"(4) 'remove or removal' refers to the taking of reasonable and appropriate measures to mitigate the potential damage of the discharge of oil or matter to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, shorelines, and beaches.

"(5) 'vessel' means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water;

"(6) 'public vessel' means a vessel owned or bareboat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation or political subdivision thereof, except where such vessel is engaged in commercial activities;

"(7) 'United States' means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, Amer-

ican Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

"(8) 'owner or operator' means any person owning, operating, or chartering by demise, a vessel;

"(9) 'person' includes an individual, firm, corporation, association, or a partnership, except individuals on board public vessels; and

"(10) 'contiguous zone' means the entire zone established or to be established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone.

"(b) Any individual in charge of a vessel (other than a public vessel) or of an onshore or offshore facility of any kind (other than one owned or operated by the United States, a State, or any political subdivision of a State) at the time of any discharge of oil or matter from such vessel or facility in substantial quantities into or upon the navigable waters of the United States or adjoining shorelines or beaches, or into or upon the waters of the contiguous zone, shall, as soon as he has knowledge of such discharge, immediately notify either the Secretary, or the Secretary of the department in which the Coast Guard is operating of such discharge. Any such individual who fails to notify immediately such delegate of any such discharge of oil or matter into or upon such waters, shorelines, or beaches, shall upon conviction, be fined not more than $5,000, or imprisoned for not more than one year, or both.

"(c)(1) Except in case of an emergency imperiling life, or an act of war or sabotage, or an unavoidable accident, collision, or stranding, or an act of God, or except as otherwise permitted by regulations issued by the Secretary under this section, or except where otherwise not prohibited in the contiguous zone under the provisions of article IV of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended, any owner or operator who, either directly or through any person concerned in the operation, navigation, or management of the vessel, discharges or permits the discharge of oil or matter from a vessel in substantial quantities into or upon the navigable waters of the United States or adjoining shorelines and beaches of the United States, or into or upon the waters of the contiguous zone if such oil or matter threatens to pollute or contribute to the pollution of the territory or the territorial sea of the United States, shall be subject to the penalties provided in this subsection.

"(2) Any owner or operator who, or any vessel (other than a public vessel) which, willfully or negligently, discharges oil or matter in substantial quantities in violation of paragraph (1) of this subsection shall be assessed a civil penalty by the Secretary of the department in which the Coast Guard is operating of not more than $10,000 for each offense. No penalty shall be assessed unless the owner, operator, or vessel charged shall have been given notice and opportunity for a hearing on such charge. Each violation is a separate offense. Any such civil penalty may be compromised by such Secretary. In determining the amount of the penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the owner or operator of the vessel charged, the effect on the owner or operator's ability to continue in business, and the gravity of the violation, shall be considered by such Secretary. The district director of customs at the port or place of departure from the United States shall withhold at the request of such Secretary the clearance required by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C. 91), of any vessel subject to the foregoing penalty. Clearance may be granted in such cases upon the filing of a bond or other surety satisfactory to such Secretary. Such penalty shall constitute a maritime lien on such vessel which may be recovered by action in rem in the district court of the United States for any district within which such vessel may be found.

(d)(1) Whenever any oil or matter is discharged into or upon any waters, shorelines, or beaches, the United States shall remove or arrange for the removal thereof, in accordance with the regulations prescribed under subsection (g) of this section, when, in the judgment of the Secretary, such oil or matter presents an actual or threatened pollution hazard to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife, or to public or private shorelines and beaches in the United States, unless other adequate arrangements for removal of such oil or matter have been made as required by subsections (e)(1), (f)(1), or (f)(2) of this section.

"(2) Whenever a marine disaster in or upon the navigable waters of the United States has created a substantial threat of a pollution hazard to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife and the public and private shorelines and beaches of the United States, because of a discharge, or an imminent discharge, of large quantities of oil or matter from a vessel the United States may (A) coordinate and direct all public and private efforts directed at the removal or elimination of such threat; and (B) summarily remove, and, if necessary, destroy such vessel by whatever means are available without regard to any provision of law governing the employment of personnel or the expenditure of appropriated funds. The expense of removing any such vessel, the negligent operation of which caused or contributed to the marine disaster, shall be a charge against such vessel and its cargo and the owner or operator of such vessel. If the owner or operator thereof fails to reimburse the United States for such expense within thirty days after notification thereof, the United States may sell the vessel or cargo or any part that may not have been destroyed in removal, and the proceeds of such sale shall be deposited in the fund established in subsection (h) of this section.

"(e)(1) The owner or operator of any vessel who, either directly or through any person concerned in the operation, navigation, or management of the vessel, willfully or negligently discharges or permits or causes or contributes to the discharge of oil or matter into or upon the navigable waters of the United States or adjoining shorelines or beaches, or into or upon the waters of the contiguous zone if the Secretary of the department in which the Coast Guard is operating finds that such oil or matter threatens to pollute or contribute to the pollution of the territory or the territorial sea of the United States, shall immediately remove such oil or matter from such waters, shorelines, and beaches in accordance with regulations prescribed under subsection (g) of this section. If the United States removes oil or matter which was willfully or negligently discharged by such owner or operator, the vessel and such owner or operator shall be liable to the United States for the full amount of the costs reasonably incurred under this subsection for the removal of the oil or matter, except that, notwithstanding any other provision of law, with respect to each offending vessel and the owner or operator thereof the aggregate liability for the cost of removal shall not exceed $10,000,000 or $100 per gross registered ton of such offending vessel, whichever is the lesser amount, in the case of such a willful or negligent discharge. The district director of customs at the port or place of departure from the United States shall withhold at the request of the Secretary the clearance required by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C. 91), of a vessel, other than a public vessel, liable for such costs until such costs are paid or until a bond or other surety satisfactory to the Secretary is posted. Such costs shall constitute a maritime lein on such vessel which may be recovered in an action in rem in the district court of the United States for any district within which such vessel may be found. The United States may bring action against the owner or operator in any court of competent jurisdiction to recover such costs. The United States shall also have a cause of action under this paragraph against any owner or operator of a vessel whose willful act or negligence is found to have caused or contributed to the discharge of oil or matter from a vessel involved in a collision or other casualty.

"(2) In any action instituted by the United States under this subsection, subsection (c), or subsection (f) of this section, evidence of a discharge of oil or matter shall constitute a prima facie case of liability to the United States on the part of the owner or operator of the vessel or the person owning or operating the facility, as the case may be, and the burden of rebutting such prima facie case shall be upon such owner or operator or person, as the case may be. The burden of rebutting the prima facie case of liability which the United States shall have against a vessel or the owner or operator thereof, or against a person who owns or operates an onshore or offshore facility, from which the oil or matter is discharged shall in no way affect any rights which such owner or operator or person may have against any other vessel or facility or owner or operator or other persons whose willful act or negligence may in any way have caused or contributed to such discharge.

"(f)(1) Any person who owns or operates an onshore facility of any kind (other than a facility owned or operated by the United States, a State, or a political subdivision of a State) who, either directly or through any other person concerned in the operation or management of such facility, willfully or negligently discharges or permits the discharge of oil or matter into or upon the navigable waters of the United States or adjoining shorelines or beaches, or into or upon the waters of the contiguous zone, or into or upon the waters beyond such zone, shall immediately remove such oil or matter from such waters, shorelines, and beaches in accordance with regulations prescribed under subsection (g) of this section.

"(2) Any person who owns or operates any offshore facility of any kind (other than a facility owned or operated by the United States, a State, or a political subdivision of a State) which facility is located offshore but within the seaward boundary (within the meaning of the Submerged Lands Act (43 U.S.C. 1301 et seq.)) of a State, who either directly or through any other person concerned in the operation or management of such facility, willfully or negligently discharges or permits the discharge of oil or matter into or upon the navigable waters of the United States or adjoining shorelines or beaches, or into or upon the waters of the contiguous zone, or into or upon the waters beyond such zone, shall immediately remove such oil or matter from such waters, shorelines, and beaches in accordance with regulations prescribed under subsection (g) of this section.

"(3) If the United States removes any oil or matter required by paragraphs (1) and (2) of this subsection to be removed by any other persons, such person shall be liable to the United States for the full amount of the costs reasonably incurred for the removal of such oil or matter except (A) that the aggregate liability for the costs of a removal shall not exceed $8,000,000, and (B) that the Secretary shall, by regulation, after consultation with the Secretary of Commerce and the Small Business Administra-

tion, establish reasonable and equitable classifications of onshore facilities and activities and apply with respect to such classifications differing limits of liability which may be less than the amount contained in this paragraph. This paragraph shall not apply to any onshore facility until it shall come within a classification established by the Secretary under the preceding sentence, but no such classification shall be established without at least sixty days notification to Congress of such intended classification. The United States may bring action against any such person in any court of competent jurisdiction to recover such costs.

"(4) Nothing in this subsection shall be construed as preempting any State or political subdivision thereof from imposing any requirement or liability with respect to the discharge of oil or matter into any waters within such State.

"(g)(1) Within sixty days after the effective date of this section and from time to time thereafter—

"(A) the Secretary shall issue regulations, in consultation with the Secretary of the department in which the Coast Guard is operating and consistent with maritime safety and with marine and navigation laws, establishing environmental quality criteria relating to the methods and procedures for removal of discharged oil and matter;

"(B) the Secretary of the department in which the Coast Guard is operating shall issue regulations, in consultation with the Secretary, establishing procedures, methods, and equipment (i) to prevent discharges of oil from vessels, and (ii) consistent with regulations of the Secretary, to remove discharged oil or matter.

"(2) Any owner or operator required under subsection (e), and any person required under subsection (f), to remove any oil or matter from any waters, shorelines, or beaches in accordance with regulations prescribed under this subsection who violates any such regulation shall be liable to a civil penalty of not more than $5,000 for each such violation. Each violation shall be a separate offense. The Secretary of the department in which the Coast Guard is operating may assess and compromise such penalty. No penalty shall be assessed until the owner, operator, or person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the owner, operator, or person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by such Secretary.

"(h)(1) There is hereby authorized to be appropriated to a revolving fund to be established in the Treasury not to exceed $20,000,000 to carry out the provisions of subsection (d) of this section. Any other funds received by the United States under this section shall also be deposited in said fund for such purposes, except that such funds shall be available to reimburse a State or political subdivision thereof that assists in the removal of any discharged oil or matter. All sums appropriated to, or deposited in, said fund shall remain available until expended.

"(2) For the purpose of insuring the efficient and economic removal of oil or matter under subsection (d) of this section, the President shall, within ninety days after the effective date of this subsection, delegate to the Secretary of the department in which the Coast Guard is operating, to the Secretary, to the Secretary of Defense, and to other appropriate Federal agencies, all or part of the responsibility under subsection (d) of this section for removing discharged oil or other matter, in accordance with a national contingency plan or revision thereof, approved by the President. The Secretary of the department in which the Coast Guard is operating is authorized to make available to such Federal agencies from the fund established by paragraph (1) of this subsection such sums as may be necessary to effectuate such removal. Each such agency, in order to avoid duplication of effort, shall, whenever practicable, utilize the personnel, services, and facilities of other Federal and State agencies.

"(3) The Secretary, in consultation with the Secretary of the department in which the Coast Guard is operating and consistent with maritime safety and with marine and navigation laws and regulations, may issue regulations authorizing the discharge of oil or matter from a vessel in quantities, under conditions, and at times and locations deemed appropriate by him, after taking into consideration various factors such as the effect of such discharge on applicable water quality standards, recreation, and fish and wildlife.

"(4) The provisions of subsection (c) of this section and the regulations issued under subsection (g) of this section shall be enforced by the Secretary of the department in which the Coast Guard is operating. The Secretary of the department in which the Coast Guard is operating may utilize by agreement, with or without reimbursement, the personnel, services, and facilities of any other Federal agency or State agency in carrying out these provisions and regulations.

"(5) Anyone authorized by the Secretary of the department in which the Coast Guard is operating to enforce the provisions of this section may, except as to public vessels, (A) board and inspect any vessel upon the navigable waters of the United States or the waters of the contiguous zone, (B) with or without a warrant arrest any person who violates the provisions of this section or any regulation issued thereunder in his presence or view, and (C) execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(6) In the case of Guam, actions arising under this section may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions.

"(i) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel or onshore facility or offshore facility under any provision of law for damages to any publicly or privately owned property from a discharge of oil or matter or from the removal of any oil or matter.

"(j) Nothing in this section shall be construed as authorizing the Secretary or the Secretary of the department in which the Coast Guard is operating to regulate the operations or construction of any onshore or offshore facility, or as affecting or modifying any other existing authority of either Secretary relative to such facilities under this Act or any other provision of law.

"(k)(1) Any vessel over one hundred gross registered tons, including any barge of equivalent size, using any port or place in the United States or the navigable waters of the United States for any purpose shall establish and maintain under regulations to be prescribed from time to time by the appropriate delegate of the President, evidence of financial resopnsibility to meet the maximum potential liability to the United States which such vessel could be subjected under this section for willful or negligent discharges of oil or matter. In cases where an owner or operator owns, operates, or charters more than one such vessel, financial responsibility need only be established to meet the maximum liability to which the largest of such vessels could be subjected. Financial responsibility may be established by any one of, or a combination of, the following methods acceptable to the delegate of the President: (A) policies of insurance, (B) surety bonds, (C) qualification as a self-insurer, or (D) other evidence of financial responsibility. Any bond filed shall be issued by a bonding company authorized to do business in the United States.

"(2) The provisions of paragraph (1) of this subsection shall be effective one year after the effective date of this section. The President shall delegate the responsibility to carry out the provisions of this subsection to the appropriate agency head within sixty days after the effective date of this section. Regulations necessary to implement this subsection shall be issued within six months after the effective date of this section.

"(3) The Secretary of Transportation, in consultation with the Secretaries of Interior, State, Commerce, and other interested Federal agencies, representatives of the merchant marine, oil companies, insurance companies, and other interested individuals and organizations, and taking into account the results of the application of paragraph (1) of this subsection, shall conduct a study of the need for and, to the extent determined necessary—

"(A) other measures to provide financial responsibility and limitations of liability with respect to vessels using the navigable waters of the United States;

"(B) measures to provide financial responsibility for all onshore and offshore facilities; and

"(C) other measures for limitations of liability of such facilities;

for the cost of removing discharged oil or matter and paying all damages resulting from the discharge of such oil or matter. The Secretary of Transportation shall submit a report, together with any legislative recommendations, to Congress and the President by January 1, 1971.

"CONTROL OF SEWAGE FROM VESSELS

"SEC. 18. (a) For the purpose of this section, the term—

"(1) 'new vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which is initiated after promulgation of standards and regulations under this section;

"(2) 'existing vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which is initiated before promulgation of standards and regulations under this section;

"(3) 'public vessel' means a vessel owned or bareboat chartered and operated by the United States, by a State or political subdivision thereof, or by a foreign nation or by a political subdivision thereof, except where such vessel is engaged in commercial activities;

"(4) 'United States' includes the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands;

"(5) 'marine sanitation device' means any equipment for installation on board a vessel which is designed to receive, retain, treat, or discharge sewage;

"(6) 'sewage' means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

"(7) 'manufacturer' means any person engaged in the manufacturing, assembling, or importation of marine sanitation devices or of vessels subject to standards and regulations promulgated under this section;

"(8) 'person' means an individual, partnership, firm, corporation, or association, but does not include an individual on board a public vessel;

"(9) 'discharge' means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

"(b) As soon as possible after the enactment of this section, the Secretary, after consultation with the Secretary of the department in which the Coast Guard is operating, and after giving appropriate consideration to the economic costs involved, and within the limits of available technology, shall promulgate Federal standards of performance for marine sanitation devices (hereinafter in this section referred to as 'standards') which shall be designed to prevent the discharge of untreated or inadequately treated sewage into or upon the navigable waters of the United States from new vessels and existing vessels, except vessels not equipped with installed toilet facilities. Such standards shall be consistent with maritime safety and the marine and navigation laws and regulations and shall be coordinated with the regulations issued under this subsection by the Secretary of the department in which the Coast Guard is operating. The Secretary of the department in which the Coast Guard is operating shall promulgate regulations, which are consistent with standards promulgated under this subsection and with maritime safety and the marine and navigation laws and regulations, governing the design, construction, installation, and operation of any marine sanitation device on board such vessels.

"(c)(1) Initial standards and regulations under this section shall become effective for new vessels two years after promulgation; but not earlier than December 31, 1971, and for existing vessels five years after promulgation. Revisions of standards and regulations shall be effective upon promulgation, unless another effective date is specified, except that no revision shall take effect before the effective date of the standard or regulation being revised.

"(2) The Secretary and the Secretary of the department in which the Coast Guard is operating with regard to their respective regulatory authority established by this section may distinguish among classes, types, and sizes of vessels as well as between new and existing vessels, and may waive applicability of standards and regulations as necessary or appropriate for such classes, types, and sizes of vessels, and, upon application, for individual vessels.

"(d) The provisions of this section and the standards and regulations promulgated thereunder apply to vessels owned and operated by the United States unless the Secretary of Defense finds that compliance would not be in the interest of national security. With respect to vessels owned and operated by the Department of Defense, regulations under subsection (b) and certifications under subsection (g)(2) of this section shall be promulgated and issued by the Secretary of Defense and not by the Secretary of the department in which the Coast Guard is operating.

"(e) Before the standards and regulations under this section are promulgated, the Secretary and the Secretary of the department in which the Coast Guard is operating shall consult with the Secretary of State; the Secretary of Health, Education, and Welfare; the Secretary of Defense; the Secretary of the Treasury; the Secretary of Commerce; other interested Federal agencies; and the States and industries interested; and otherwise comply with the requirements of section 553 of title 5 of the United States Code.

"(f) After the effective date of the initial standards and regulations promulgated under this section, no State or political subdivision thereof shall adopt or enforce any statute or regulation of such State or political subdivision with respect to the design, manufacture, or installation of any marine sanitation device on any vessel subject to the provisions of this section, except that nothing in this section shall be construed to affect or modify the authority or jurisdiction of any State to prohibit discharges of sewage whether treated or not from a vessel within all or part of the intrastate waters of such State if discharges from all other sources are likewise prohibited.

"(g)(1) No manufacturer of a marine sanitation device shall sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States for sale or resale any marine sanitation device manufactured after the effective date of the standards and regulations promulgated under this section unless such device is in all material respects substantially the same as a test device certified under this subsection.

"(2) Upon application of the manufacturer, the Secretary of the department in which the Coast Guard is operating shall so certify a marine sanitation device if he determines, in accordance with the provisions of this paragraph, that it meets the appropriate standards and regulations promulgated under this section. The Secretary of the department in which the Coast Guard is operating shall test or require such testing of the device in accordance with procedures set forth by the Secretary as to standards of performance and for such other purposes as may be appropriate. If such results are in accordance with the appropriate performance standards promulgated under this section, and if the Secretary of the department in which the Coast Guard is operating determines that the device is satisfactory from the standpoint of safety and any other requirements of maritime law or regulation, and after consideration of the design, installation, operation, material, or other appropriate factors, he shall certify the device. Any device manufactured by such manufacturer which is in all material respects substantially the same as the certified test device shall be deemed to be in conformity with the appropriate standards and regulations established under this section.

"(3) Every manufacturer shall establish and maintain such records, make such reports, and provide such information as the Secretary of the department in which the Coast Guard is operating may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this section and regulations issued thereunder and shall, upon request of an officer or employee duly designated by the Secretary or the Secretary of the department in which the Coast Guard is operating, permit such officer or employee at reasonable times to have access to and copy such records. All information reported to, or otherwise obtained by, the Secretary or the Secretary of the department in which the Coast Guard is operating or their representatives pursuant to this subsection which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this section. This paragraph shall not apply in the case of the construction of a vessel by an individual for his own use.

"(h) After the effective date of standards and regulations promulgated under this section, it shall be unlawful—

"(1) for the manufacturer of any vessel subject to such standards and regulations to manufacture for sale, to sell or offer for sale, or to distribute for sale or resale any such vessel unless it is equipped with a marine sanitation device which is in all material respects substantially the same as the appropriate test device certified pursuant to this section;

"(2) for any person, prior to the sale or delivery of a vessel subject to such standards and regulations to the ultimate purchaser, wrongfully to remove or render inoperative any certified marine sanitation device or element of design of such device installed in such vessel;

"(3) for any person to fail or refuse to permit access to or copying of records or to fail to make reports or provide information required under this section; and

"(4) for a vessel subject to such standards and regulations to operate on the navigable waters of the United States, if such vessel is not equipped with an operable marine sanitation device certified pursuant to this section.

"(i) The district courts of the United States shall have jurisdictions to restrain violations of subsections (h)(1) through (3) of this section. Actions to restrain such violations shall be brought by, and in, the name of the United States. In case of contumacy or refusal to obey a subpena served upon any person under this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(j) Any person who violates clause (1) or (2) of subsection (h) of this section shall be liable to a civil penalty of not more than $5,000 for each violation. Any person who violates clause (4) of subsection (h) of this section shall be liable to a civil penalty of not more than $2,000 for each violation. Each violation shall be a separate offense. The Secretary of the department in which the Coast Guard is operating may assess and compromise any such penalty. No penalty shall be assessed until the person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise the gravity of the violation, and the demonstrated good faith of the person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by said Secretary.

"(k) The provisions of this section shall be enforced by the Secretary of the department in which the Coast Guard is operating and he may utilize by agreement with or without reimbursement law enforcement officers or other personnel and facilities of the Secretary, other Federal agencies, or the State to carry out the provisions of this section.

"(l) Anyone authorized by the Secretary of the department in which the Coast Guard is operating to enforce the provisions of this section may, except as to public vessels, (1) board and inspect any vessel upon the navigable waters of the United States and (2) execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(m) In the case of Guam, actions arising under this section may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions.

"AREA ACID AND OTHER MINE WATER POLLUTION CONTROL DEMONSTRATIONS

"SEC. 19. (a) The Secretary, in cooperation with other Federal agencies, is authorized to enter into agreements with any State or interstate agency to carry out one or more projects to demonstrate methods for the elimination or control, within all or part of a watershed, of acid or other mine water pollution resulting from active or abandoned mines. Such projects shall demonstrate the engineering and economic feasibility and practicality of various abatement techniques which will contribute substantially to effective and practical methods of acid or other mine water pollution elimination or control.

"(b) The Secretary, in selecting watersheds for the purposes of this section, shall (1) require such feasibility studies as he deems appropriate, (2) give preference to areas which have the greatest present or potential value for public use for recreation, fish and wildlife, water supply, and other public uses, and (3) be satisfied that the project area will not be affected adversely by the influx of acid or other mine water pollution from nearby sources.

"(c) Federal participation in such projects shall be subject to the conditions—

"(1) that the State or interstate agency shall pay not less than 25 per centum of the actual project costs which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, personal property, or services, the value of which shall be determined by the Secretary; and

"(2) that the State or interstate agency shall provide legal and practical protection to the project area to insure against any activities which will cause future acid or other mine water pollution.

"(d) There is authorized to be appropriated $15,000,000 to carry out the provisions of this section, which sum shall be available until expended. No more than 25 per centum of the total funds appropriated under this section in any one year shall be granted to any one State.

"TRAINING GRANTS AND CONTRACTS

"SEC. 20. The Secretary is authorized to make grants to or contracts with institutions of higher education, or combinations of such institutions, to assist them in planning, developing, strengthening, improving, or carrying out programs or projects for the preparation of undergraduate students to enter an occupation which involves the design, operation, and maintenance of treatment works, and other facilities whose purpose is water quality control. Such grants or contracts may include payment of all or part of the cost of programs or projects such as—

"(A) planning for the development or expansion of programs or projects for training persons in the operation and maintenance of treatment works;

"(B) training and retraining of faculty members;

"(C) conduct of short-term or regular session institutes for study by persons engaged in, or preparing to engage in, the preparation of students preparing to enter an occupation involving the operation and maintenance of treatment works;

"(D) carrying out innovative and experimental programs of cooperative education involving alternate periods of full-time or part-time academic study at the institution and periods of full-time or part-time employment involving the operation and maintenance of treatment works; and

"(E) research into, and development of, methods of training students or faculty, including the preparation of teaching materials and the planning of curriculum.

"APPLICATION FOR TRAINING GRANT OR CONTRACT; ALLOCATION OF GRANTS OR CONTRACTS

"SEC. 21 (1) A grant or contract authorized by section 20 may be made only upon application to the Secretary at such time or times and containing such information as he may prescribe, except that no such application shall be approved unless it—

"(A) sets forth programs, activities, research, or development for which a grant is authorized under section 20, and describes the relation to any program set forth by the applicant in an application, if any, submitted pursuant to section 22;

"(B) provides such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section; and

"(C) provides for making such reports, in such form and containing such information, as the Secretary may require to carry out his functions under this section, and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

"(2) The Secretary shall allocate grants or contracts under section 20 in such manner as will most nearly provide an equitable distribution of the grants or contracts throughout the United States among institutions of higher education which show promise of being able to use funds effectively for the purposes of this section.

"(3)(A) Payment under this section may be used in accordance with regulations of the Secretary, and subject to the terms and conditions set forth in an application approved under subsection (a), to pay part of the compensation of students employed in connection with the operation and maintenance of treatment works, other than as an employee in connection with the operation and maintenance of treatment works, other than as an employee in any branch of the Goevrnment of the United States, as part of a program for which a grant has been approved pursuant to this section.

"(B) Departments and agencies of the United States are encouraged, to the extent consistent with efficient administration, to enter into arrangements with institutions of higher education for the full-time, part-time, or temporary employment, whether in the competitive or excepted service, of students enrolled in programs set forth in applications approved under subsection (a).

"AWARD OF SCHOLARSHIPS

"SEC. 22. (1) The Secretary is authorized to award scholarships in accordance with the provisions of this section for undergraduate study by persons who plan to enter an occupation involving the operation and maintenance of treatment works. Such scholarships shall be awarded for such periods as the Secretary may determine but not to exceed four academic years.

"(2) The Secretary shall allocate scholarships under this section among institutions of higher education with programs approved under the provisions of this section for the use of individuals accepted into such programs, in such manner and according to such plan as will insofar as practicable—

"(A) provide an equitable distribution of such scholarships throughout the United States; and

"(B) attract recent graduates of secondary schools to enter an occupation involving the operation and maintenance of treatment works.

"(3) The Secretary shall approve a program of an institution of higher education for the purposes of this section only upon application by the institution and only upon his finding—

"(A) that such program has as a principal objective the education and training of persons in the operation and maintenance of treatment works;

"(B) that such program is in effect and of high quality, or can be readily put into effect and may reasonably be expected to be of high quality;

"(C) that the application describes the relation of such program to any program, activity, research, or development set forth by the applicant in an application, if any, submitted pursuant to section 20 of this Act; and

"(D) that the application contains satisfactory assurances that (i) the institution will recommend to the Secretary for the award of scholarships under this section, for study in such program, only persons who have demonstrated to the satisfaction of the institution a serious intent, upon completing the program, to enter an occupation involving the operation and maintenance of treatment works, and (ii) the institution will make reasonable continuing efforts to encourage recipients of scholarships under this section, enrolled in such program, to enter occupations involving the operation and maintenance of treatment works upon completing the program.

"(4)(A) The Secretary shall pay to persons awarded scholarships under this section such stipends (including such allowances for subsistence and other expenses for such persons and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

"(B) The Secretary shall (in addition to the stipends paid to persons under subsection (a)) pay to the institution of higher education at which such person is pursuing his course of study such amount as he may determine to be consistent with prevailing practices under comparable federally supported programs.

"(5) A person awarded a scholarship under the provisions of this section shall continue to receive the payments provided in this section only during such periods as the Secretary finds that he is maintaining satisfactory proficency and devoting full time to study or research in the field in which such scholarship was awarded in an institution of higher education, and is not engaging in gainful employment other than employment approved by the Secretary by or pursuant to regulation.

"(6) The Secretary shall by regulation provide that any person awarded a scholarship under this section shall agree in writing to enter and remain in an occupation involving the design, operation, or maintenance of treatment works for such period after completion of his course of studies as the Secretary determines appropriate.

"DEFINITIONS

"SEC. 23. (1) As used in sections 20 through 23 of this Act—

"(A) The term 'State' includes the District of Columbia, Puerto Rico, the Canal Zone, Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

"(B) The term 'institution of higher education' means an educational institution described in the first sentence of section 1201 of the Higher Education Act of 1965 (other than an institution of any agency of the United States) which is accredited by a nationally recognized accrediting agency or association approved by the Secretary for this purpose. For purpose of this subsection, the Secretary shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

"(C) The term 'academic year' means an academic year or its equivalent, as determined by the Secretary.

"(2) The Secretary shall annually report his activities under sections 20 through 23 of this Act, including recommendations for needed revisions in the provisions thereof.

"(3) There are authorized to be appropriated $12,000,000 for the fiscal year ending June 30, 1970, $25,000,000 for the fiscal year ending June 30, 1971, and $25,000,000 for the fiscal year ending June 30, 1972, to carry out sections 20 through 23 of this Act (and planning and related activities in the initial fiscal

year for such purpose). Funds appropriated for the fiscal year ending June 30, 1970, under authority of this subsection shall be available for obligation pursuant to the provisions of sections 20 through 23 of this Act during that year and the succeeding fiscal year."

SEC. 3. (a) Section 11 of the Federal Water Pollution Control Act, as amended, is amended to read as follows:

"COOPERATION BY ALL FEDERAL AGENCIES IN THE CONTROL OF POLLUTION

"SEC. 11. (a) Each Federal agency having jurisdiction over any real property or facility of any kind shall, within available appropriations and consistent with the interests of the United States, insure compliance with applicable water quality standards and the purposes of this Act in the administration of such property or facility. In his summary of any conference pursuant to section 10(d)(4) of this Act, the Secretary shall include references to any discharges allegedly contributing to pollution from any such Federal property or facility, and shall transmit a copy of such summary to the head of the Federal agency having jurisdiction of such property or facility. Notice of any hearing pursuant to section 10(f) of this Act involving any pollution alleged to be effected by any such discharges shall also be given to the Federal agency having jurisdiction over the property or facility involved, and the findings and recommendations of the hearing board conducting such hearing shall include references to any such discharges which are contributing to the pollution found by such board.

"(b) Any applicant for a Federal license or permit to conduct any activity which may result in discharges into the navigable waters of the United States shall provide the licensing or permitting agency with certification from each affected State or interstate water pollution control agency that there is reasonable assurance, as determined by the State or interstate agency, that such activity will be conducted in a manner which will not reduce the quality of such waters below applicable water quality standards. In any case where such standards have been promulgated by the Secretary pursuant to section 10(c) of this Act, or where a State or interstate agency has no authority to give such a certification, such certification shall be from the Secretary. If an applicant for a Federal license or permit receives a certification under this subsection in connection with such application, then the Federal agency to whom such application is made, and any other Federal agency may accept such certification for the purposes of this subsection in connection with any other application made to it by such applicant for a license or permit, except that (1) if any affected State or the Secretary, if his certification is involved, after notice, which shall be given by such Federal agency, makes written objection, such certification may not be so accepted, and (2) this sentence shall not apply to any application for an operating license or permit. No license or permit shall be granted until such certification has been obtained. In any case where actual construction of a facility for the conduct of any activity has been lawfully commenced prior to the date of enactment of the Water Quality Improvement Act of 1969, no certification shall be required under this subsection for a license or permit issued after the date of enactment of the Water Quality Improvement Act of 1969 to conduct such activity, except that any such license or permit issued without certification shall terminate at the end of the two-year period beginning on the date of enactment of the Water Quality Improvement Act of 1969 unless prior to such termination date the person having such license or permit submits to the Federal agency which issued such license or permit a certification which otherwise meets the requirements of this subsection. Such license or permit may be suspended if a court of competent jurisdiction finds that such licensee or permittee is not in compliance with applicable water quality standards. Nothing in this section shall be construed to limit any other authority pursuant to this Act or any other provision of State or Federal law to require compliance with applicable water quality standards. No Federal agency shall be deemed to be an applicant for the purposes of this subsection. The Secretary shall, upon the request of any State or Federal department or agency, provide any technical assistance to such department or agency for the purpose of carrying out this section."

SEC. 4. Section 5 of the Federal Water Pollution Control Act, as amended, is amended—

(1) by redesignating subsections (g) and (h) as (k) and (l), including all references thereto;

(2) by inserting after subsection (f) the following new subsections:

"(g) The Secretary is authorized to enter into contracts with, or make grants to public or private agencies and organizations and individuals for the purpose of developing and demonstrating new or improved methods for the prevention, removal, and control of natural or manmade pollution in lakes, including the undesirable effects of nutrients and vegetation.

"(h) In carrying out the provisions of this section relating to the conduct by the Secretary of demonstration projects and the development of field laboratories and research facilities, the Secretary may acquire land and interests therein by purchase, with appropriated or donated funds, by donation, or by exchange for acquired or public lands under his jurisdiction which he classifies as suitable for disposition. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

"(i) The Secretary shall engage in such research, studies, experiments, and demonstrations as he deems appropriate relative to the removal of oil from any waters and to the prevention and control of oil pollution, and shall publish from time to time the results of such activities. In carrying out this subsection, the Secretary may enter into contracts with, or make grants to, public or private organizations and individuals.

"(j) The Secretary shall engage in such research, studies, experiments, and demonstrations as he deems appropriate relative to equipment which is to be installed on board a vessel and is designed to receive, retain, treat, or discharge human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes with particular emphasis on equipment to be installed on small recreational vessels. The Secretary shall report to Congress the results of such research, studies, experiments, and demonstrations prior to the effective date of any standards established under section 18 of this Act. In carrying out this subsection the Secretary may enter into contracts with, or make grants to, public or private organizations and individuals.";

(3) in redesignated subsection (k)(4) by striking out the words "and June 30, 1969," and inserting in lieu thereof "June 30, 1969, and June 30, 1970,"; and

(4) by amending the first sentence of redesignated subsection (l) by striking out "and $65,000,000 for the fiscal year ending June 30, 1969." and inserting in lieu thereof "and $65,000,000 per fiscal year for each of the fiscal years ending June 30, 1969, June 30, 1970, and June 30, 1971."

SEC. 5. Section 6(e) of the Federal Water Pollution Control Act (33 U.S.C. 466c-1) is amended as follows:

(1) Paragraph (1) is amended by striking out "three succeeding fiscal years," and inserting in lieu thereof "five succeeding fiscal years,".

(2) Paragraph (2) is amended by striking out "two succeeding fiscal years," and inserting in lieu thereof "four succeeding fiscal years,".

(3) Paragraph (3) is amended by striking out "two succeeding fiscal years," and inserting in lieu thereof "four succeeding fiscal years,".

SEC. 6. Section 14 of the Federal Water Pollution Control Act, as amended, is amended by deleting the following: "the Oil Pollution Act, 1924, or".

SEC. 7. The Oil Pollution Act, 1924 (43 Stat. 604), as amended (80 Stat. 1246–1252), is hereby repealed.

SEC. 8. (a) The first sentence of section 2 of the Federal Water Pollution Control Act (33 U.S.C. 466–1) is amended by striking out "Federal Water Pollution Control Administration" and inserting in lieu thereof "National Water Quality Administration".

(b) Any other law, reorganization plan, regulation, map, document, record or, other paper of the United States in which the Federal Water Pollution Control Administration is referred to shall be held to refer to the National Water Quality Administration.

Mr. FALLON (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the committee substitute amendment be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

AMENDMENTS OFFERED BY MR. EDMONDSON

Mr. EDMONDSON. Mr. Chairman, I offer several amendments, and ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma (Mr. EDMONDSON)?

Mr. HALL. Mr. Chairman, reserving the right to object, may we hear the amendments read first.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. EDMONDSON: On page 74, strike out line 3, and insert in lieu thereof the following: "adversely affected State or interstate water pollution control agency as determined by the licensing or permitting agency".

On page 74, line 11, after the period insert the following: "If an affected State or interstate water pollution control agency or the Secretary, as the case may be, fails to act to certify or refuse to certify within a reasonable period of time as determined by the licensing or permitting agency after notification of such application, the certification requirements of this subsection shall be waived with respect to such State, agency, or Secretary, as the case may be, with respect to such application."

On page 74, line 18, strike out "(1)".

On page 74, line 21, strike out the second comma and insert in lieu thereof a period.

On page 74, strike out line 22 and all that follows down through and including the period on line 23.

Mr. HALL. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma (Mr. EDMONDSON)?

There was no objection.

Mr. EDMONDSON. Mr. Chairman, yesterday's general debate on this bill

developed some possible grounds for misunderstanding between the Committee on Public Works and the Joint Committee on Atomic Energy with regard to procedural matters arising from the technical language of section 11(b).

These amendments were worked out last night with a considerable amount of discussion, and I think very careful consideration by members of our committee sitting with the chairman of the Joint Committee on Atomic Energy and with staff people from both committees.

There has been discussion today by members on our side of the aisle with the ranking minority member and with staff of the minority to resolve these problems.

The words "affected State or interstate water pollution control agency," as used in the bill originally, left both the applicant for a license or permit and probably the States in doubt as to what "affected" means.

The amendment makes it clear that it is the responsibility of the licensing or permitting agency of the Federal Government to determine, at least initially, which are the States involved, and it is from the States included in that determination that the applicant must obtain his certification.

The Federal agency must also set a reasonable time within which the State must act, either to grant or to deny, the certification.

Now it does not have any particular pressure to compel certification but it is put in the position with this amendment to do away with dalliance or unreasonable delay and to require a "yes" or "no" and certification by States that are considered to be adversely affected.

The failure by the State to act in one way or the other within the prescribed time would constitute a waiver of the certification required as to that State.

With respect to the deletion of the mandatory requirement for a second certificate prior to issuance of an operating license the committee recognizes the possible undue and severe burden that might arise from potential time delays. The committee also believes that the language of the subsection, as it stands and without that second mandatory requirement, still adequately protects the State, in that any affected State which believes its best interest requires that it take a second look at the contemplated operation of the facility involved can exercise its right to do so simply by notifying the licensing agency that it objects to the use of the original certification in the granting of the operating license. That would then, without further requirement afford the State the opportunity to review the matter and provide recertification or not as it saw fit. It is, of course, inherent in all of this that full and complete information will be made available to all the States involved by both the applicant and the licensing or permitting agency.

I would like to make it clear that in giving the Federal licensing agency the initial responsibility for determining which are the affected States or the adversely affected States, as this term is used in the amendment, we in no way intend to lessen or transgress upon the right of any State to seek judicial relief if it feels its best interests warrant such a move. There is no intent in this amendment to cut off any judicial remedy or any judicial right that would be available to the States.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. I am happy to yield to the gentleman from California. I want to thank him at this time for the long period of time after hours yesterday which he gave to consideration of this problem, and I recognize the very serious nature of it in terms of the development of our nuclear power potential in this country.

Mr. HOLIFIELD. Mr. Chairman, I, too, wish to support the amendment offered by the gentleman. I also want to thank the gentleman and the other members of the committee and the staff for spending several hours with us yesterday working over some of these troublesome details which I believe the amendments will cure in the main and that we will be able to proceed. It is my hope that in the development of the energy which is needed in this country that we all realize that every 9 years we have to double the electrical capacity of this country, and it is from that electrical energy that we will depend for the development of our industry, our homes, and our whole society.

Section 3 of H.R. 4148, as proposed to be amended by the Public Works Committee, would amend section 11 of the Federal Water Pollution Control Act to require, among other things, that any applicant for a Federal license or permit to conduct an activity which may result in discharges into the navigable waters of the United States to provide the licensing agency with a certification from each State which may be adversely affected by such discharge, or from the applicable interstate water pollution control agency, that there is reasonable assurance that the activity will be conducted in a manner that will not reduce the quality of the water below applicable water quality standards. In the event of a dispute over the question, the Federal licensing or permitting agency would determine which states might be "adversely affected" by the discharge. Further, if an affected State or interstate water pollution control agency or the Secretary, as the case may be, fails to act to certify or refuses to certify within a reasonable period of time as determined by the licensing or permitting agency after notification of such application, the certification requirements of the bill would be waived with respect to such State, agency, or Secretary, as the case may be, with respect to such application.

One result of this requirement will be that nuclear powerplants, which of course are federally licensed and which obviously must discharge waste heat into condenser cooling waters for return to adjoining waterways, will be reviewed by appropriate State water pollution control authorities prior to Atomic Energy Commission licensing to see that the heated liquid effluents discharged from the facility will not reduce the quality of adjoining waters below approved water quality standards.

I believe this preventive aspect of H.R. 4148 complements the existing thermal pollution control measures that have been taken under the Water Quality Act of 1965, and should contribute significantly to avoiding situations wherein after-the-fact abatement actions have to be instituted to remedy existing pollution violations.

I believe the committee amendment to H.R. 4148 is a considerable improvement over the bill's present language in several respects. First, it is now clear who shall determine, in the event of a question in this regard, which State or States are "affected." Also, there must be a potential for "adverse affect," as opposed to a mere "affect," which as I interpret the word could mean something as insignificant as 1 B.t.u. Third, this amendment guards against a situation where the water pollution control authority in the State in which the activity is to be located, or possibly in some other State, simply sits on its hands and does nothing. Any such dalliance could kill a proposed project just as effectively as an outright determination on the merits not to issue the required certificate. Thus while this bill would still permit one State to make a decision that would have extraterritorial effect upon another, at least now it cannot do so passively—it has to take affirmative action to consider the matter and to decide to withhold the certificate if it wants to defeat a proposed project.

I therefore thoroughly support the amendment, and urge my colleagues with all the powers of persuasion I can marshall to vote its enactment.

The committee has also proposed an amendment to H.R. 4148 that would help to alleviate a problem under the bill caused by the fact that, under the Atomic Energy Act, nuclear powerplants are licensed in two stages: First, a construction permit must be obtained from the AEC to build the facility, and then an operating license must be obtained to operate the finished facility. As originally reported the proposed amendment to section 11 of the Federal Water Pollution Control Act would have required an applicant for an AEC license to submit the requisite certification at both stages in the licensing process. It seemed to me that satisfaction of section 11's requirements at the construction permit stage should suffice unless subsequent thereto the license applicant proposed a material change which would affect the environment adversely.

The committee amendment to H.R. 4148 proposed today would eliminate the requirement for dual certification, but does so in a way that fully protects the affected State or States. Under the amendment as I understand it, the certification obtained at the construction permit stage would also suffice at the operating license stage unless, after notice given by the Federal agency concerned, an affected State, or the Secretary if his certification is involved, makes written objection to the agency. In that event the certification given earlier at the construction permit stage would require reconsideration.

This amendment is not everything I would like it to be, since there are not any real safeguards in the bill to protect an applicant against arbitrary action by a State agency after the applicant has invested vast sums in his facility, but at least the large potential for delay built into the reported bill's dual-certification requirement has been somewhat mitigated. I trust, moreover, that, quite apart from the bill, the normal appeals procedures to the courts will protect a license applicant who, in a rare case, might be prevented from obtaining his operating license by actions of the State which are arbitrary or capricious, and based other than on the technical facts involved. I, therefore, support the amendment.

Mr. Chairman, I have a number of comments related to the bill itself, but not to any particular amendments now under consideration. They relate primarily to section 3 of the bill, and I would like to include them in the RECORD.

Section 3 primary concerns thermal, or heat, pollution of our waterways, a matter of considerable interest to me. I sponsored legislation in the last session addressed to the thermal pollution problem, at least as it relates to nuclear power plants, and planned to re-introduce the measure in this session. However, as I pointed out in a floor statement on March 11, I refrained from doing so in deference to more comprehensive legislation like H.R. 4148, which would be applicable to all Federal departments and agencies and, in substantial part, to all forms of steam powerplants—fossil fired as well as nuclear.

One result of this bill's new requirements will be that nuclear powerplants, which of course are federally licensed and which obviously must discharge waste heat into condenser cooling waters for return to adjoining waterways, will be reviewed by appropriate State water pollution control authorities prior to Atomic Energy Commission licensing to see that the heated liquid effluents discharged from the facility will not reduce the quality of adjoining waters below approved water quality standards.

Because of my interest in the thermal pollution aspects of this legislation, I suggested several technical amendments for the Public Works Committee's consideration during its consideration of this matter. I am gratified that a number of these recommendations were accepted by the committee, and that explanatory comments in the committee report have further served to clarify the intent of H.R. 4148.

For example, proposed new section 11(b) of the Federal Water Pollution Control Act has been amended by the committee to require only that the certifying State agency find that there is reasonable assurance of compliance with applicable water quality standards. The earlier version would have required a virtual guarantee by the State agency concerned that under no conceivable circumstances could the facility's discharges violate any of the applicable water quality standards. The requirement imposed by H.R. 4148 would appear to be considerably more workable and in keeping with the tests laid down in other legislative grants of regulatory authority.

Also, under the earlier version of this bill any affected license or permit would have been automatically suspended if a court of competent jurisdiction found that such licensee or permittee was not in compliance with applicable water quality standards. In view of the possible adverse effect upon the reliability of a region's electric power supply which the forced shutdown of a large electrical generating facility could have, it seemed to me considerably more advisable to accord the court discretionary power to permit continuation of the activity pending necessary modification of the facility or its appurtenances, if that is feasible, or of the operating practices followed there. This recommendation also has been accepted.

Another of the concerns which I brought to the committee's attention related to an apparent potential conflict under proposed new section 11(b) with the responsibility of the Atomic Energy Commission to regulate the radiological effects of source, byproduct, and special nuclear materials, as these terms are defined in the Atomic Energy Act. I was gratified to note the statement in the committee's report to the effect that nothing in section 11(b) should be construed to conflict with the AEC's preemptive authority under the Atomic Energy Act. Additional clarifying language of a somewhat similar nature appears elsewhere in the report and in subsections (a)(2) and (j) of proposed new section 17 of the Federal Water Pollution Control Act.

The committee's solution to another question gives me some cause for concern. Because it would often appear impractical to require significant changes in the design of a nuclear facility after substantial progress had been made in its construction, and because the imposition of any such requirement could seriously delay operation of a facility whose on-line availability was planned years in advance and probably heavily counted on by the affected systems, I recommended to the committee that it exempt from section 11's coverage those nuclear facilities for which construction permits had been issued at the time of the bill's enactment. The committee bill has afforded some, but not complete, relief in such cases.

As I understand the committee bill, if a construction permit has been issued for a facility and construction of that facility is actually underway at the time of enactment of H.R. 4148, the certification called for by the bill would be postponed for 2 years from date of enactment as to such facility if during that period the permittee applies for his operating license. If at the end of this 2-year grace period the requisite certification has not been obtained the operating license previously issued without certification would automatically terminate. Thus, as I understand it, anyone applying for an AEC operating license after enactment of the Water Quality Improvement Act of 1969 who had received his construction permit and actually commenced construction prior to enactment could receive such operating authorization without the certification required by the act, but his operating license would be subject to automatic termination 2 years from the date of the act if within that time he does not provide the required certification.

To my way of thinking this requirement has a certain retroactive tone to it that normally is repugnant to Congress. However, the requirement is one that affected license applicants probably can accommodate themselves to without undue hardship, and hopefully without unnecessary delays in their operations, if the law is implemented with reason and fairness by the State water pollution control authorities and, where he is involved, the Secretary of the Interior. Therefore, rather than offering an amendment to modify the bill in this respect I shall simply express the deep hope and expectation that the States, or the Secretary of the Interior if he is involved, will implement this part of the legislation sensibly. If they do not, I rather suspect that they may find themselves carrying on their work by the light of a flickering candle.

I shudder to think of the adverse effect upon the reliability of a region's electric power supply which would be had if one or more operating nuclear powerplants in the area were forced to shut down because it was unable to obtain the required certification. Most of the newer nuclear plants are in the 800 to 1,000 electrical megawatt range; each, therefore, will be providing a significant share of the affected system's total power output. In view of this, I think it hardly necessary to elaborate further on the consequences of the forced shutdown of one of these plants after it has been fully constructed and is in operation. Nor need I elaborate, I suppose, on the economic impact of such action on the Nation's utilities and their rate-payers, who after all are the people who actually pay the tremendous sums—in the vicinity of $150 million—represented by each of these large nuclear facilities.

As you can see, Mr. Chairman, I have followed the progress of this bill and substantially similar legislation in the other body quite closely. I believe, that for the most part, the Committee on Public Works has recommended a very fine piece of legislation. I want to commend the committee for the outstanding job that it and its staff have done, and urge my colleagues to vote for the amended bill's passage.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

(By unanimous consent, Mr. EDMONDSON was allowed to proceed for 1 additional minute.)

Mr. EDMONDSON. I yield further to the gentleman.

Mr. HOLIFIELD. Any unnecessary or bureaucratic obstruction that we place in the development of electrical energy and the development of the capacity to produce energy will be working, in my opinion, against the general welfare of our society. I thank the gentleman.

Mr. EDMONDSON. I agree wholeheartedly with the gentleman. I do not

know of any Member of this House who has done more through the years to try to develop the full potential of our country in terms of electrical power and energy. I think he has been a stouthearted champion of measures to develop our hydroelectric power, our steampower through fossil fuels, and in the atomic energy field, and, of course, he is without peer in his efforts in this direction. This committee respects the merits of his argument on the subject and is offering these amendments in an effort to meet those objections to the best of our ability.

Mr. HARSHA. Mr. Chairman, will the gentleman yield?

Mr. EDMONDSON. I yield to the gentleman from Ohio.

Mr. HARSHA. The amendment offered by the gentleman would strike the language appearing on page 74, line 22, which would do away with the need of second certification at the time an operating license is required; is that correct?

Mr. EDMONDSON. It would relieve the mandatory requirements in the bill. It would eliminate the mandatory requirement for a second operating certificate.

Mr. HARSHA. Does this apply only to nuclear generating institutions?

Mr. EDMONDSON. I think the language of the bill applies to all facilities. I do not think it is intended to be restricted to any particular facility, but it is a particularly sensitive thing for the nuclear facilities.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

(By unanimous consent, Mr. EDMONDSON was allowed to proceed for 1 additional minute.)

Mr. EDMONDSON. From the time of the initial construction permit, in the case of a nuclear facility, there may be 7 years in construction. They may invest $100 to $150 million in the facility, and the requirement that we have, a mandatory requirement to come back for an operating permit, even when a State was not seeking it, and even when a State was not insisting upon it, seems to us to be an unreasonable requirement in the law.

Mr. HARSHA. Mr. Chairman, is it or is it not a fact that when we first have a certification for a construction permit, that deals with water quality at that time, and subsequent construction of the institution or enterprise and placing it into operation does not change the water quality standards or the effect upon the water quality standards?

Mr. EDMONDSON. It is my impression the obligations assumed in these permits not to affect the water quality standards adversely would be continuing obligations, and then as there is upgrading of water quality standards, there would be a continuing obligation on the facility to comply with the water standards to the limit of its ability.

Mr. HARSHA. Mr. Chairman, I think the gentleman does not understand my question. My question is, When they obtain this first construction permit and certification, at that time, that subsequent construction of the institution and placing it in operation does not change what effect the operation of that institution will have on water quality standards from what was certified to at the initial application.

Mr. EDMONDSON. I think certification would be given only as to the standards that were known, and they would have to be standards that were established at that time. But I still have the opinion that there would be carried some obligation in the operation to try to upgrade the pollution prevention to the limit of the institution's ability.

Mr. CRAMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not intend to take the 5 minutes, but I do want to rise and ask the gentleman a question. I rise in support of the objective which the gentleman wishes to preserve. The gentleman has advised us of the nature of the amendments and the specific verbiage. I am in support of what the gentleman intends to accomplish.

There have been many discussions about dual certification and I want to make sure what the gentleman is doing will accomplish the objective—as I am sure he does—of making certain that these certifications result in the operation of the facility in conformance to the water quality standards. I ask the gentleman: Is that not the basic objective which we all seek?

Mr. EDMONDSON. Certainly there is no particluar value in just getting reasonable assurance they are going to do something. Our real objective is to get an operating facility that does not adversely affect water standards.

In this regard all we are seeking to do with these requirements about certification is to get attention early in the construction process to the problem of not affecting water standards adversely. The facility should be designed and engineered from the first to take care of that problem as the facility is constructed.

Mr. CRAMER. So the construction, as it relates to new construction and as it relates to requiring a Federal license or certification, is that in a continuing activity it would require a certification be granted—and this is the key, as I understand it—what do they have to certify? As I read it on page 74, line 5, they have to certify "that such activity will be conducted in a manner which will not reduce the quality of such waters below applicable water quality standards."

So I ask the gentleman: Is it not correct that the thrust of the initial certification, for the certification itself under the gentleman's amendment, is that when in operation that facility has to conform to the applicable water standards? So really if it does not conform, that condition of the certification itself will continue to control, making certain that those standards are conformed to.

Mr. EDMONDSON. That is my understanding. I would hope that the licensing and permitting agencies will have the same feeling about it, that the certification is a safeguard that assures early attention to the problems when they design and build the plant, but that it is also a continuing safeguard to the State and that it is a safeguard that is meaningful to the State. I hope the licensing and certifying agency would construe it in that way and undertake to correct any violations.

Mr. CRAMER. With that assurance and as I read the language of the gentleman's amendment, and the basic legislation before us, I support the gentleman's amendments offered en bloc.

Mr. EDMONDSON. Mr. Chairman, I thank the gentleman.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. As I understand the objective and thrust of the amendment offered by the gentleman from Oklahoma (Mr. EDMONDSON), there is to be no sacrifice as far as water quality standards are concerned; it is principally designed to facilitate the procedures; is this true?

Mr. EDMONDSON. I believe the major problem disturbing the gentlemen on the Joint Committee on Atomic Energy was the new statutory requirement for a second certification, involving other States as well as the State in which the facility is located.

Mr. DON H. CLAUSEN. This will in fact eliminate the dual certification requirement?

Mr. EDMONDSON. One of the amendments will have that effect.

Mr. DON H. CLAUSEN. I urge support of the amendment.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from California.

Mr. HOLIFIELD. I thank the gentleman for yielding.

I believe I support the principle of eliminating water pollution as much as any Member of the committee. I am very much concerned.

It is my understanding also, I might say, that we are referring to thermal plants, which include nuclear energy but also include conventional energy or any other kind of thermal pollution that goes into these streams. It is my understanding that all of these facilities—whether they be conventional, papermill, or nuclear—will comply and will be forced to comply to the applicable water quality standards of the specific State which may be involved.

Mr. CRAMER. The gentleman is correct. It is contemplated before too long every State will have such standards.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. STRATTON. Mr. Chairman, I rise in opposition to the amendment.

I do not believe the full impact of the amendment is really understood by the members of the committee. It is in fact a very dangerous and damaging amendment for those who are seriously concerned about pollution.

I intend to offer, as soon as I can be recognized, an amendment dealing with this problem of thermal pollution, because I do not believe that the legislation as reported from the committee, as I mentioned on yesterday during the general debate, is really strong enough.

The gentleman from Florida says eventually we are going to have adequate State standards, but the fact of the matter is that we do not have them now

in most States, and not even in the State of New York.

The problem of thermal pollution is a relatively new problem, and certainly it is not one that has created the kind of damage we have seen in oil pollution, about which we are doing something now. After the horse is stolen we are closing the barn door.

Thermal pollution occurs when one pumps heated water into the small lakes and streams, which is taken out of the stream at a cooled temperature and is used to cool the nuclear reactors, and then is put back into the lake or stream.

This is now being proposed on Cayuga Lake, one of the distinguished and beautiful Finger Lakes of New York State. I quoted yesterday inexactly from the distinguished alma mater of Cornell University, in introducing my remarks, but the fact is that far above Cayuga's waters we do have this problem at the present time.

Unless we move quickly now to prevent this kind of thermal pollution, which can destroy wildlife, which can destroy fish, and which can increase the growth of weeds, we are going to ruin a great many of the Finger Lakes, and ruin other small recreational lakes in the districts of every one of the Members.

Members have not heard about this, probably, if they have not begun building nuclear power plants in their districts, but as the gentleman from California and the gentleman from Oklahoma have said, there will be a lot of new plants built in the next few years.

What this amendment proposes is that if any of the plants get constructed without cooling towers or cooling basins, being required, if they can get the construction grant before these State standards have come in, they can continue to operate in this way without any necessity for getting an additional operating certificate 2 years later.

It will be a long time before we get the appropriate State standards, and the plant on Cayuga Lake is proposed for construction now. The Atomic Energy Commission may be meeting even later this spring to act on their application. Unless we get tough standards in this bill the damage may already have been started when that permit is granted.

It would be a sad tragedy if we told these nuclear power plants this. Surely, the gentleman from California wants to encourage construction of nuclear generating plants.

I do not object to that. Nuclear power is here to stay. But let us insist that we have proper protection against thermal pollution in these plants. If you do not do it now, you will be hearing from the conservationists in your area. The gentleman from New York (Mr. ROBISON) and I can guarantee you that, because we have heard.

Mr. Chairman, this amendment should be defeated.

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman.

Mr. EDMONDSON. I regret personally that I had not seen the gentleman's amendment or had an opportunity to look at it until this minute, and I regret that I do not have a carefully formed judgment about it. There may be considerable merit to the gentleman's amendment.

Mr. STRATTON. What the gentleman's amendment would do would even compound the situation even if my amendment were not to pass. That is what disturbs me.

Mr. EDMONDSON. I fail to understand how the gentleman concludes that it will compound a situation in view of the fact that the certification that is originally given on these facilities is a continuing requirement upon the facilities and it is not something that is terminated with the construction. Furthermore, the amendments recommended do not affect in any way the provision on lines 6 to 13 of page 75 requiring certification by States for facilities on which construction began prior to passage of this act.

Mr. STRATTON. If the gentleman will permit me to say it, if this bill will pass, there is not going to be any requirement for certification. If the bill is passed in the form in which it exists now, with the gentleman from Oklahoma's amendment added, there are not going to be any real binding New York State requirements to deal with thermal pollution. That means a nuclear powerplant will be built far above Cayuga's waters and will be damaging Cayuga Lake and we will have no opportunity, as the bill is now written, to come back in 2 years with a requirement that it cannot continue to operate under those loose and ineffective State standards on thermal pollution.

Mr. EDMONDSON. Will the gentleman yield?

Mr. STRATTON. I will be glad to yield.

Mr. EDMONDSON. Of course, if there are no State standards, then the Federal Government is at liberty under this bill to impose standards itself and require certification by the secretary. The bill assures against any escape from certification.

Mr. HOSMER. Mr. Chairman, I rise in support of the amendments.

(Mr. HOSMER asked and was given permission to revise and extend his remarks.)

Mr. HOSMER. Mr. Chairman, I fully appreciate the gentleman from New York's concern over what he terms thermal pollution. Almost all economic activities that we carry on, including the making of ice, involve some amount of disposition of heat into the environment. In some cases you can logically term this thermal pollution. In other cases you might term it thermal enrichment because the warmer waters will enable you to produce better crops on irrigated land and to produce larger harvests of fish for human food consumption in ponds and so on. So you cannot take this business of what happens to heat in the abstract and pin the label "b-a-d" on it and get up here and legislate against it. Particularly—and this is what I want to call to the attention of the gentleman from New York—you cannot consider the matter of thermal effects in the abstract in another sense. What these nuclear electric generating plants and conventional electric generating plants are being built for is to supply a very critical need by the American people and the American economy for an increasing amount of electric power. We double over every period of 10 years in this society of ours our requirements for electric power. Now, that means if we are going to support and sustain the type of economic advancement this country has become accustomed to, we are going to have to find some place to put the generating stations.

And let me say that the conventional generating stations dissipate heat only at a fractionally lower amount into the environment than do the nuclear generating stations.

We here in Washington cannot be the arbiter of whether in the State of New York the need is greater for this added electrical capacity, or whether the need is greater to keep Lake Cayuga's waters on an average annual basis as to temperature—from going 1 or 2 degrees higher in temperature than it is today. The people of New York are going to have to make up their minds as to which is the most valuable to them. They are going to have to decide as between the temperature of Lake Cayuga or possibly some other lake, and whether they want to have blackouts in the last half of the 1970's due to the lack of electrical generating capacity to meet the new load growth for electricity developing over that period of time.

I do not believe that we would be asked by the gentleman from New York to make that decision here in Washington despite the fact that the allegation is made that all the wisdom of the country resides along the banks of the Potomac. Actually, the gentleman's people in New York and in other parts of the country are going to have to live with or without electricity, they are going to have to live with or without a slight amount of thermal enrichment in some of the waters of their areas if they are going to have their electricity requirements fulfilled. Therefore, since this is something that is personal to them and to their environment, and despite the fact that the gentleman from New York is not happy about the status of the law on thermal pollution in the State of New York, I do not believe the burden is upon us here in Washington to attempt at the present time to make that decision for them. To do what he suggests would erect an almost unscalable barrier to installation of electric generating capacity, not only against the people of New York, but against all the people of this country.

I think if the gentleman from New York is dissatisfied with the standards that have been established by the State of New York, as a citizen of the State of New York he should appeal to his duly-elected State representatives. They write him letters as a Member of Congress on Federal issues, so, perhaps the gentleman can write letters to them with reference to this matter which is a State issue.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. ROBISON. Mr. Chairman, I move to strike the requisite number of words.

(Mr. ROBISON asked and was given permission to revise and extend his remarks.)

Mr. STRATTON. Mr. Chairman, will the gentleman yield to me in order that I may respond to the statements which have been made by the gentleman from California?

Mr. ROBISON. Yes, I yield briefly to the gentleman from New York.

Mr. STRATTON. Mr. Chairman, I should like to comment upon what the gentleman from California has said. The gentleman from California does not understand that the question of a construction permit for a plant on Cayuga Lake could well be settled prior to this legislation being enacted. The Atomic Energy Commission has no authority to consider thermal pollution.

I have no opposition to the development of nuclear power-generating facilities. All I am suggesting is that when we build them let us build them in such a manner as not to have thermal pollution. That can be done, but it will not be done unless we have some kind of protective legislation enacted before this bill becomes law.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. ROBISON. I yield to the gentleman from Florida.

Mr. CRAMER. I think the gentleman from New York (Mr. STRATTON) is wrong. I say this for three reasons: First, he wants Federal standards, and I do not know of anyone else with the exception of a few, who does. I certainly do not want Federal standards. That is what we would have to have in order to accomplish the objective which is sought by the gentleman from New York (Mr. STRATTON).

Second, he is saying that, perhaps, this bill will become law before they get a construction permit. It seems to me that the gentleman is assuming that is the case, and I am not willing to assume it. He is a pretty good long way away from getting a permit for construction of that plant. But, assuming that is true, you still have the requirement of conforming to the standards of that State relating to thermal pollution, and all other pollution which is required under the present law and now in the future. So long as that plant operates it will be subject to the thermal pollution standards of the State of New York, and subject to the court's enforcement powers under the basic law. If they were to get a permit, the controlling factor still would be what that State's standards are with regard to pollution, and not what the Federal Government says.

Mr. STRATTON. Will the gentleman yield further?

Mr. ROBISON. I would like to take part of my own time now, if I might for a moment.

Getting back to the issue as I see it, this is not the time to discuss now whether we should have Federal standards or State standards here, but to discuss this particular amendment, instead.

Let me say, in whatever time I have left, that I am sorry the committee has seen fit to change its position with respect to dual certifications. It seems to me it has changed its position for one reason, at least, that lies at the heart of this debate over dual certification, in that it does seem to place an unfair disadvantage on those who wish to build nuclear powerplants while those who build instead fossil-fueled powerplants are not required to obtain two Federal licenses or permits, but at best only one, and that from the Corps of Engineers, not the Atomic Energy Commission.

Now, I can see why the committee does not want—or anyone wants—to put any unfair barrier in the path of nuclear powerplants that is not going to be faced by those who might build fossil-fueled powerplants. But let me ask this question—and I would like to direct it to the attention of the gentleman from Oklahoma (Mr. EDMONDSON).

We know all too little yet about thermal effects or thermal discharge, and we do not know yet even how to define "thermal pollution." We are doing a lot of Federal research into this particular problem as well as into other aspects of the water pollution field. If we learn, as a result of this additional research, that some of the safeguards that are contemplated as necessary now in order to prevent thermal effects from becoming thermal pollution are not adequate, are we not by this amendment in effect freezing a State's ability to review and update its water quality standards in this respect?

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. ROBISON. I yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I tried to make it as clear as I could in my own remarks that I did not personally have the view that the gentleman has about freezing the water standards of a State. It was my view that a State should be endeavoring constantly to upgrade its water standards, so that there would be in any of these certificates and in any of these permits the continuing obligation upon the operator to try to meet the new water standards of the State.

Now, if the gentleman just wants to say that we are not going to build anything that has a remote possibility the potential of having some adverse effect, we can stop the construction of every powerplant in the country. I believe that could be the effect of what the gentleman from New York—not the gentleman in the well—is suggesting here as a procedural amendment at this point.

But I believe there is a duty on the part of the committee to enable the country to go ahead with some construction permits under the understanding that we would have a continuing review authority in the issuing agency, and in fact a requirement for that continuing review.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. EDMONDSON, and by unanimous consent, Mr. ROBISON was allowed to proceed for 3 additional minutes.)

Mr. EDMONDSON. Mr. Chairman, will tion, then, in this way: Supposing the Atomic Energy Commission grants a construction permit for such a plant, and then in the intervening 3- or 4-year period between the granting of that construction permit and the time when the plant gets ready to go "on the line," as they say, and the utility comes back to the AEC for its operating permit, supposing the condition of the stream that is to receive this thermal discharge has changed substantially; supposing the State now wants to update and review the certification that it sent down to the AEC 3 or 4 years ago and now says, "Additional safeguards are needed beyond those that we thought were needed at the time of beginning construction," this is a theoretical question that I am presenting to you—but what happens then?

Mr. EDMONDSON. That is one of several possibilities that were discussed well into the night last night, and changing conditions could develop in a number of ways when one of these permits is issued.

When you have changing conditions and when you have a different situation prevailing, I think it would be incumbent upon the Atomic Energy Commission to take a second look at the permit that has been issued.

I think the State also would have the absolute right, as I read this legislation, at any time it reaches the conclusion that there is going to be an adverse effect from the operation of this facility—anytime it reaches that conclusion that its actual conduct of the operation is not going to measure up to the assurances that were given, I think the State would have the right to withdraw its certification.

Mr. ROBISON. Then the State would have to go to court or the Federal Government would go into court to obtain a restraining order with respect to this plant at that point in time, as not being in conformity with the water quality standards of the State as then in effect?

Mr. EDMONDSON. I think the right to go to court would be present at all times and is not affected by the statute.

If we are talking solely about nuclear facilities and the withdrawal of the certification that the State granted the operator, I believe on withdrawal; the Atomic Energy Commission would be obligated to call in the operator and to advise him the situation should be corrected or he would be required to shut down the operation.

Mr. ROBISON. I appreciate the gentleman's clarification for the record. I must say I still regret the change in the committee's position, and I hope the amendment is defeated.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. ROBISON. I yield to the gentleman.

Mr. STRATTON. Would the gentleman from Oklahoma agree that the amendment makes it purely optional with the Atomic Energy Commission and puts no mandate on it. As a matter of fact, knowing the record of the Atomic Energy Commission with regard to thermopollution, I would not be as optimistic as the gentleman is.

Mr. EDMONSON. Mr. Chairman, will the gentleman yield so that I may respond to our colleague?

Mr. ROBISON. I yield to the gentleman.

Mr. EDMONDSON. I have reached the conclusion in the period of time that I have been here that it is almost impossible to mandate any agency to do anything. We are trying within the limits of our legislative ability to mandate them to do what is right in this situation.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Oklahoma (Mr. EDMONDSON).

The amendments were agreed to.

AMENDMENT OFFERED BY MR. MATSUNAGA

Mr. MATSUNAGA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MATSUNAGA: On page 55, line 23, immediately after "includes" insert the following: "the States, the District of Columbia,".

Mr. MATSUNAGA. Mr. Chairman, the amendment I have offered is purely a technical amendment intended to provide consistency and uniformity of language.

The definition of "United States" on page 39, line 22, of the bill includes the District of Columbia. However, the District of Columbia is not included in the same definition which appears on page 55, line 23, purely through inadvertence according to testimony before the Rules Committee, of which I am a member. My amendment would include the District of Columbia in the second definition to negate any inference that its omission in the second instance was with a specific legislative intent.

Mr. FALLON. Mr. Chairman, will the distinguished gentleman yield?

Mr. MATSUNAGA. I yield to the gentleman.

Mr. FALLON. Mr. Chairman, the committee on this side accepts the amendment offered by the distinguished gentleman from Hawaii.

Mr. CRAMER. Mr. Chairman, I have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Hawaii (Mr. MATSUNAGA).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CLEVELAND

Mr. CLEVELAND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CLEVELAND: On page 78, after line 22, insert the following:

"SEC. 8. The Secretary of the Interior shall conduct a full and complete investigation and study of the feasibility of any and all methods of financing the cost of preventing, controlling, and abating water pollution. The results of such investigation and study shall be reported to Congress no later than January 1, 1970, together with the recommendations of the Secretary for financing the programs for preventing, controlling, and abating water pollution, including any necessary legislation."

Renumber succeeding sections accordingly.

Mr. CLEVELAND. Mr. Chairman, the purpose of this amendment is fairly clear.

We are directing the Secretary of the Interior to conduct a study as to the feasibility of any and all methods of financing federally supported water pollution programs.

I think most of us realize that over the years our Committee on Public Works in connection with various water quality acts have authorized very substantial sums, but when it has gotten down to the actual appropriating process the state of the budget and the state of the Nation has not permitted the full appropriation of the authorizations.

We find again and again as we study the various States and the various communities that are concerned about this matter an overwhelming backlog of projects that have been approved and cannot be financed. It is causing a great deal of difficulty in the States and local communities. I discussed this subject during general debate yesterday at some length, and I am not going to repeat all of that now.

I might say, and I want to make this particularly clear in the record, that my own personal recommendation would be that we establish some sort of trust fund financed by user fees, taxes, or excises similar in nature to the highway trust fund, which has been so notably successful in financing the interstate and the primary and secondary road networks in this country. However, my amendment does not spell out that the study will be directed only in that direction. It is much more general. The purpose of this is to give the Secretary complete latitude in connection with the studies that we ask him to make under this amendment.

I think that almost every Member will find, as he goes back to his State or district, that there are a tremendous number of sewage treatment facilities that are on the books, that have been approved, but are awaiting financing. I think it is fair to say that financing is still the No. 1 issue involved here.

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. CLEVELAND. I yield to the gentleman from Florida.

Mr. CRAMER. I would like to suggest to the gentleman that I believe his amendment has considerable merit. I intend to support it. As the gentleman knows, we had financing provisions in the bill last year. For reasons known to all of us, that type of financing was not included in this bill. So the point is that until we get at this problem of financing sewage treatment plants, we are really not going down the road of solving water pollution problems. There is no use kidding ourselves. It takes adequate financing on the local level, or a partnership on the local, State, and Federal level; does it not? Your study would hopefully give us some guidance.

Mr. CLEVELAND. Exactly. It does just that. I might also add that—the gentleman from Florida has been something of a leader in this regard—tax incentives to improve or make it more attractive for industry to build pollution-abatement facilities is something that the gentleman from Florida has long urged and, of course, I think that might be included in this type of study, or I hope it would be.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. CLEVELAND. I yield to the gentleman from Michigan.

Mr. DINGELL. I believe the gentleman has a meritorious amendment, but there are some questions I would like to ask. It may be that there are some things in there that my good friend from New Hampshire has not seen. The amendment states:

The Secretary of the Interior shall conduct a full and complete investigation and study of the feasibility of any and all methods of financing the cost of preventing, controlling and abating water pollution. The results of such investigation and study shall be reported to Congress no later than January 1, 1970.

One of the critical problems we have had in this business of water pollution abatement and water pollution control is that we have not been able to make adequate funds available to the States under Public Law 660, with the result that many of the State programs are lagging in cleanup. They are being held up because of inadequate Federal financing. What I want to know is whether the amendment would preclude the Congress from proceeding independently. Will we be compelled to wait until the detailed study is completed by the Secretary of the Interior? I think the Congress has some responsibility to move in this area. I would be loathe—and I am sure my friend would be equally loathe—to have Congress precluded from moving if and when the Congress might conceive of an adequate device to finance these programs. I think the gentleman is well aware of the fact that the Secretary now has authority under Public Law 660 as amended to do precisely what the provisions of the amendment would do.

Though I applaud the amendment, are we not getting ourselves into a box here?

Mr. CLEVELAND. While we have authorizations appropriation through the next fiscal years, I cannot see how we could be doing that.

Mr. DINGELL. The gentleman knows that the Public Works Committee in the past 3 fiscal years has discussed this subject with everyone—members of the Department, members of the executive agency, and individual Members of Congress.

The CHAIRMAN. The time of the gentleman from New Hampshire has expired.

(On request of Mr. DINGELL, and by unanimous consent, Mr. CLEVELAND was allowed to proceed for 3 additional minutes.)

Mr. DINGELL. It is well known and everybody is agreed these were sums that were not feasible but were desperately needed. But to get back to the point we are talking about, how are we going to be sure, if this amendment goes through, that Congress is not going to be precluded from the possibility of financing, or will it have to wait to get the recommendation from the Secretary?

Mr. CLEVELAND. There is nothing in my amendment that is going to prevent our going right ahead. But our authorization of $700 million is matched by a much smaller appropriation request.

Mr. DINGELL. In excess of $214 million?

Mr. CLEVELAND. $214 million. I do not contemplate the Nixon administration is going to increase that. I think they are going to keep it at that figure. There is nothing in this amendment that will interfere with that whatsoever.

Mr. DINGELL. The gentleman does not respond to my question. What is on my mind is this. Does the gentleman's amendment say Congress is going to have to wait until some secretary or some bureaucrat downtown comes up with a suggestion as to how we are going to finance it?

Mr. CLEVELAND. Will the gentleman confine his question to one point?

Mr. DINGELL. I tried to.

Mr. CLEVELAND. Then the answer to the gentleman's question is no.

Mr. DINGELL. The amendment reads a little differently. It says:

> The results of such investigation and study shall be reported to Congress no later than January 1, 1970, together with the recommendations—

Are we going to have to wait, as a result of this amendment until we have a recommendation from downtown, or until there is consideration of it by the Public Works Committee at some future time, or will some bureaucrat say, "On this we have a study going on." Will we have to wait until that study is completed? It is well known it is the practice, when the agencies do not want to take some action, for them to say, "We have a study. You wait 2 or 3 years until our study is completed, and we will give you some information."

I think, with my friend, this is important. In Public Law 660, as amended, we do have authority for the Secretary to do what is in this amendment. I think we are doing something here that will have results far beyond what the gentleman anticipates. That is, we would be delayed in consideration of alternative methods of financing. These are the questions I am directing to my friend.

Mr. CLEVELAND. There are a great many questions there.

Mr. DINGELL. No. It is very simple. They all revolve around one point.

Mr. CLEVELAND. Then my answer is "No." There is nothing that would preclude us from going ahead. If the gentleman has some ideas, perhaps he would offer them and I'd be delighted to support them if they get at this problem of financing the fight against water pollution.

Mr. DINGELL. I have considerable affection for my friend, but I do not agree with him on this point. I do not think he is correct.

Mr. GUDE. Mr. Chairman, will the gentleman yield?

Mr. CLEVELAND. I yield to the gentleman from Maryland.

Mr. GUDE. Mr. Chairman, I support the amendment offered by the gentleman from New Hampshire. This approach would mean a great deal to my State of Maryland.

Mr. Chairman, I commend the gentleman for his excellent amendment to this bill in which he recognizes and points to the necessity of adequate financing for the legislative proposals directed toward controlling water pollution. He specifically urges a plan whereby the Secretary of the Interior would conduct investigations and studies to determine the most efficacious financing arrangements in support of pollution control enactments.

I have experienced a similar need as a Representative of the Eighth Congressional District of Maryland. Maryland streams including the Potomac and Patuxent will deteriorate miserably if the funds are not found to finance our anti-pollution measures. While Congress has been quite generous in passing legislation which authorizes substantial amounts of money to combat pollution, it has been remiss in making the actual appropriations of funds when the time came for coming across with the money to institute the programs devised. Over the past 10 years the State Legislature of Maryland has authorized a $176 million debt for water pollution expenses, $150 million of which has been in the past 2 years. One reason for the enormity of these debt amounts is because the Federal Government has not come through with a proportionately great enough share. In fact it was reported only 2 weeks ago that Congress has come up more than $50 million short on its promises to share the cost of building sewage treatment plants in Maryland under provisions of the Water Pollution Control Act. The Federal Government has pledged to contribute $54 million this year to go along with the $49.9 million put up by the State; but only $3.9 million will come from the Federal Government when the fiscal year ends on June 30.

Therefore, I urge adoption of the amendment of the gentleman from New Hampshire as a strengthening feature to the Water Quality Improvement Act of 1969.

I also would like to take this opportunity to express my support for this bill in its entirety as it speaks to the need for standards of pollution control on the navigable waters of the United States and to the need for sound, efficient enforcement procedures to cope with any deviance from those standards. Furthermore, the stance which it permits the Federal Government with respect to insuring future progress in pollution control is most encouraging: research and vocational incentives will be significantly advanced by the scholarship grants provided for in this Act.

Therefore, I urge adoption of the amendment and the entire bill.

(Mr. GUDE asked and was given permission to revise and extend his remarks.)

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire (Mr. CLEVELAND).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. STRATTON

Mr. STRATTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STRATTON: On page 74, line 24, strike out "In" and all that follows down through and including the period on line 13 of page 75.

On page 75, line 21, after the period insert the following: "Nothing in this subsection shall apply in the case of any applicant for a Federal license or permit to conduct any activity which may result in any thermal pollution to which subsection (c) of this section applies."

On page 75, line 24, strike out the quotation marks and after such line insert the following:

"(c)(1) As soon as possible after the enactment of this subsection, the Secretary, after consultation with each Federal agency issuing licenses or permits to which this subsection applies, shall promulgate Federal water quality standards which shall be expressly designed to prevent thermal pollution of any waters located in the United States, by any activity licensed by any Federal agency or operated under a permit issued by any Federal agency.

"(2) After the date of the enactment of this subsection, no Federal agency shall issue any license or permit to an individual, firm, corporation, partnership, association, State, political subdivision of a State, or any other public body or agency with respect to any activity which may result in any discharge into any of the waters of the United States which may result in the thermal pollution of such waters, unless the Secretary, after consulting with the appropriate State water pollution control agency, and, when appropriate, after public hearings, certifies, under such reasonable terms and conditions as he may prescribe, to such Federal agency that such activity will not reduce the quality of such waters below the Federal standards promulgated under paragraph (1). Each such Federal agency shall include in any such license or permit the terms and conditions prescribed by the Secretary as he deems appropriate to control the discharges or other activity in a manner that will not reduce the quality of the water below such standards. The Secretary shall establish such procedures as may be necessary in carrying out the provisions of this subsection, including, where appropriate, an opportunity for public hearings conducted by him or the Federal agency issuing such license or permit. Each such Federal agency is hereby authorized to include in any such license or permit such terms and conditions as such agency determines, after obtaining the advice and recommendations of the Secretary to be appropriate to protect water supplies, fish, wildlife, recreation, and aesthetic values affected by such activity.

"(d) In any case where actual construction of a facility for the conduct of any activity has been lawfully commenced prior to the date of enactment of the Water Quality Improvement Act of 1969, no certification shall be required under subsection (b) or subsection (c) of this section for a license or permit issued after the date of enactment of the Water Quality Improvement Act of 1969 to conduct such activity, except that any such license or permit issued without certification shall terminate at the end of the two-year period beginning on the date of enactment of the Water Quality Improvement Act of 1969 unless prior to such termination date the person having such license or permit submits to the Federal agency which issued such license or permit a certification which otherwise meets the requirements of subsection (b) or subsection (c), as the case may be.

"SEC. 4. Subsection (a) of section 1 of the Federal Water Pollution Control Act, as amended, is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: 'including thermal pollution.'

"SEC. 5. Section 13 of the Federal Water Pollution Control Act, as amended, is amended by adding at the end thereof the following:

"'(b) The term "thermal pollution" means the addition of heat or some heated substance to any waters, which addition will result in a reduction in the quality of those waters for use for public water supplies, propagation of fish and aquatic life and wildlife, for recreational purposes, or which may endanger the health or welfare of any person.'"

And redesignate existing sections 4, 5, 6, 7, and 8 accordingly.

Mr. STRATTON (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. STRATTON. Mr. Chairman, I have already raised in connection with the amendment offered by the gentleman from Oklahoma this question of thermal pollution. This is the thermal pollution amendment which I have referred to and which I explained very briefly in a letter which should have been in everybody's office at least by this morning.

Thermal pollution is a problem created when heated water otherwise perfectly pure is discharged into a body of water, particularly a small lake; and when the temperature is raised by even a few degrees, so the scientists tell us and the conservationists and sportsmen are well aware, this can not only encourage growth of weeds, which are a problem already in many recreational lakes, but eventually it can kill all the game fish, so we have nothing but carp and a few other such fish left in the lake.

This is the problem we face with the proposed construction of a nuclear powerplant in Cayuga Lake. The scientists at Cornell University pinpointed this problem, and they created public recognition of it, and this led eventually to deferral of construction plans by the New York Electric & Gas Co.

The demand for nuclear powerplants is going to increase. They are running out of oceans and fast-running rivers. If they can construct a plant on Cayuga Lake they can construct one on Seneca Lake, and they can go to any one of the 1,000 lakes in Minnesota or to any other State; and we can have a very serious problem.

I am concerned that we should act to prevent this problem before the damage is done rather than moving to act after a good deal of damage has been done, as we are doing in this bill with regard to oil pollution. We are closing the door after the horse has been stolen from the barn. I believe we ought to close the door while the horse still is in there.

What the committee's proposed legislation would do is require certification depending on the applicable State standards. The fact of the matter is that at this particular time there are not any really binding State standards.

We usually like to think of New York as the most progressive of the States; certainly it is, at least in terms of raising taxes. But when it comes to thermal pollution, we have very wishy-washy standards. They have a strong bill which passed the Assembly, but my information is that it will not get out of the Senate, and if it does the Governor will veto it.

If we are to rely on the State standards, we may find that the pressures of the utilities are greater than those of the people who want to save the lakes.

Although I join the gentleman from Florida (Mr. CRAMER) in a general abhorrence for substituting Federal standards for State standards, if we are really to act quickly and to prevent this problem before it gets started, we ought to institute the standards. The Department of Interior has studied this. They know the problem. They know the kinds of standards to set. We ought to insist that those standards be applied whenever there is a problem of thermal pollution.

That is all my amendment will do. It repeats some of the language there, with a few changes to put in separate standards for thermal pollution as against the other kinds of pollution.

If we wait for the States to be reminded that they have to tighten up their laws, by the Federal Government, we may find we have waited too long.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I am happy to yield to my colleague from New York.

Mr. OTTINGER. I should like to congratulate the gentleman on a very important amendment. It makes a very significant contribution in this vitally important field.

We see the danger of thermal pollution all over the country now. In my own congressional district the Consolidated Edison Co. of New York has plans to put five nuclear plants on one very narrow stretch of the Hudson River. We may find that this will create a heat block and result in the killing of all of the fish life in the Hudson. This would mean destroying the sport fisheries business and the recreation business for not only the entire Hudson area, but as far as Long Island Sound.

I, along with other Congressmen and Senator KENNEDY, have sponsored legislation to provide for siting nuclear plants for the future to assure placement of plants so as to minimize both nuclear and thermal dangers.

I believe the contribution the gentleman is making here, requiring Federal standards until such time as the States can catch up with this problem, is a very significant supplementary contribution to resolution of this problem and I wholeheartedly support the amendment.

Mr. STRATTON. I certainly appreciate the gentleman's support. I know he has done a magnificent job in fighting the threat of pollution in his area.

Actually, I was not aware of the problem of thermal pollution until about a year ago, when the implications of the construction at Cayuga Lake brought it to my attention. A lot of the other Members may not be aware of it. If they ever start building one of these plants at a small lake in any district, the Member will hear about it, and hear loudly from the conservationists in his district.

(Mr. OTTINGER asked and was given permission to revise and extend his remarks.)

Mr. KEITH. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I am glad to yield to the gentleman from Massachusetts.

Mr. KEITH. I read over a year ago about thermal pollution on the Hudson River, I believe. I know of nuclear and other powerplants on salt water.

Does the amendment in any way affect the plants using fossil fuel instead of thermonuclear fuel, or running fresh water for a seacoast plant?

Mr. STRATTON. Yes. It would apply to any powerplant constructed with a Federal license anywhere. I am not enough of an expert, but I assume there is not so much of a problem with regard to the ocean, because there is so much water that the temperature would not rise appreciably.

Mr. HARSHA. Mr. Chairman, I rise in opposition to this amendment because it would do violence to the whole concept of the Federal Water Pollution Control Act. That act vested the primary responsibility to fix water quality standards in the individual States. The Congress, when it unanimously adopted this act, recognized the principle that the States were in a peculiar position to pass judgment on this issue. The Congress determined that they were much better qualified to determine their own environment, to determine their own economic needs, and to determine their own industrial demands to determine the appropriate uses of the State waters, and to determine the needs for water quality standards in each individual State. The act provided that each State should establish water quality standards subject to the approval of the Secretary of the Interior. If these standards are not sufficient in the opinion of the Secretary of the Interior, then he can reject those standards and inform the States that they should upgrade them. In many cases this has been done.

So, Mr. Chairman, the Federal Government does, in effect, have some control over the individual States and the standards which they adopt. But if we were to adopt this amendment, we would be doing complete violence to the theory and philosophy of the present Federal Water Pollution Control Act that is that primary responsibility rests with the States. We would be taking away from the individual States their right to govern their own affairs. For that reason, I oppose this amendment and hope it is defeated.

Mr. LATTA. Mr. Chairman, will the gentleman yield?

Mr. HARSHA. I am happy to yield to the gentleman.

Mr. LATTA. I know that the gentleman is very much against any type of pollution, including thermal pollution. We must strive to eliminate all pollution—none must escape our attention. I am wondering whether or not, in view of the importance of this amendment, it was discussed and considered in your committee.

Mr. HARSHA. This particular amendment, as I recall it, I do not believe was discussed, but the issue of thermal discharge into the waters of the United States was very thoroughly discussed. We had a member of the Atomic Energy

Commission before the committee to testify on this subject. There is general disagreement as to whether or not this thermal discharge is thermal enhancement or thermal pollution. We are not far enough advanced in our research and studies to recognize it unequivocally as thermal pollution.

Mr. LATTA. As I understand it, the Atomic Energy Commission requires these plants to meet the water quality standards of the States before permits are issued? Is this not correct?

Mr. HARSHA. They are required to meet the water quality standards established by the individual States.

Mr. LATTA. Is this not being done in New York State?

Mr. HARSHA. The objection here was that in the opinion of the author of the amendment he did not think the State standards were stringent enough and he wanted Federal standards superimposed upon them.

Mr. ROBISON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I hesitate to take the time of the Committee to further discuss this troubling problem of thermal pollution, but I think we could stand to consider it for a few minutes longer.

It would be accurate to say that we stand on the threshold of a new era in the production of electric power in our Nation. As our Nation grows and its people's standard of living improves, we can expect, as someone said a moment ago, to see the demand for electricity go on doubling as it has every 10 years and, as potential hydropower sites are used up, more and more of this demand for electricity will have to be met by steam generating plants, some of which will be fossil fueled while others will be nuclear fueled. These plants will require enormous quantities of cooling waters. The waste heat, called thermal discharges, from such plants now affects something over 7 percent of all of the available fresh water runoff in the 48 contiguous States, a figure which has been projected to rise to more than 16 percent by 1980, and on to about 50 percent by the year 2000, if conventional "once-through" cooling procedures were still in use at that time.

Mr. Chairman, even if the waters of our lakes and streams were now as clean as they ought to be, it is obvious that this situation would pose an environmental and ecological challenge of massive proportions.

Mr. Chairman, with 44 nuclear powerplants moving now toward construction here and there around the Nation, and some 42 more in the planning stage, it also would be obvious that action may be fast outrunning our ability to apply reasonable environmental controls and safeguards, especially since such powerplants use far more cooling water than conventional fossil-fueled powerplants. It has been estimated, for instance, that the proposed nuclear powerplants on Cayuga Lake in New York to which the gentleman from New York (Mr. STRATTON) has made repeated reference, will circulate through its cooling system about one-quarter of Cayuga's volume of water each year. When one relates that fact to the further fact that Cayuga, one of the so-called Finger Lakes, is a deep but relatively small lake—the smallest for which such a powerplant has been proposed—and is also what is called a "stratified" lake in the summer months, with "slow-flushing" characteristics, it becomes clear why concern has been expressed over what effect such huge discharges of hot water into it may have.

Now, certainly, the States should be permitted and encouraged to establish reasonable safeguards against such plants adversely affecting the quality of the waters receiving their thermal discharges—safeguards against those discharges becoming what some people call thermal pollution.

Mr. Chairman, this bill addresses itself to this problem, and it does encourage the States to act.

Mr. Chairman, New York State has moved in the proper direction. Our Water Resources Commission has completed public hearings around the State on definitive new criteria in this respect, having done so under existing authority derived from article XII of the New York State Public Health law. As might be expected, the utility company involved suggests that those criteria are too restrictive in some respects, while others say they are not strong enough.

There is no point here in going into the details of that debate, for it will be settled by those technically competent to judge its pros and cons. But what this situation does illustrate is the fact that the States will move into this picture, are moving into it now, and, I submit, can be trusted to deal as effectively and wisely with this new newly recognized problem of thermal pollution as they have in other water pollution areas.

Now, my colleague, the gentleman from New York (Mr. STRATTON) urges Federal standards, instead. He is, of course, entitled to his opinion as to the necessity for that as I am to mine that it would be best to maintain, here, that same careful balance between State and Federal interests in this area of concern as was achieved on passage of the Water Quality Act of 1965.

Mr. Chairman, I cannot help but remember that my distinguished colleague, the gentleman from New York (Mr. STRATTON), appeared in the well of the House here in July of last year, inveighing and protesting against certain Federal standards as promulgated by the Department of Transportation relative to billboard controls under authority of the Highway Beautification Act of 1965. Perhaps, there is an adequate reason for his change of attitude; I do not know. I am sure there is in the mind of my colleague. But I do not believe that Federal standards in just one water quality area, would be wise or workable or necessary.

Therefore, Mr. Chairman, I hope the amendment will be defeated and the position of the committee sustained.

Mr. McEWEN. Mr. Chairman, will the gentleman yield?

Mr. ROBISON. I yield to the gentleman from New York.

(Mr. McEWEN asked and was given permission to revise and extend his remarks.)

Mr. McEWEN. Mr. Chairman, I should like to commend the gentleman in the well for pointing out these facts, lest there be a misunderstanding that our States are not moving ahead. Certainly the State of New York, in the matter of dealing with thermal discharge, has, as the gentleman just pointed out. The New York State Water Resources Commission has just concluded hearings during this past month, and it is my opinion that we can anticipate in a very short time standards to be established in that State, and I am sure other States will follow.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mrs. GREEN of Oregon. Mr. Chairman, I move to strike the requisite number of words.

(Mrs. GREEN of Oregon asked and was given permission to revise and extend her remarks.)

Mrs. GREEN of Oregon. Mr. Chairman, I rise to direct some questions, if I may, to the author of the section beginning on page 67 of the bill. This has to do with training grants and contracts. It is my understanding—and I would like to ask the chairman of the committee or any other member of the committee who wants to answer this question—Is it the Secretary of the Department of Interior who will be the one who determines the grants to institutions, the scholarships and stipends that are going to be given to undergraduate students; is that correct?

Mr. CRAMER. If the gentlewoman will yield, there is a present provision in the legislation and under the present law that provides for precisely the same procedure for a similar purpose, but not so broad as this, and in my opinion it would not acomplish the objective, so it amends present section 5(d) which provides presently that the Secretary can provide training in technical matters relating to the causes, prevention and control of water pollution to personnel of such agencies and other persons with suitable qualifications. This is being done presently under the present water pollution control act, and this is an extension of that authority.

Mrs. GREEN of Oregon. It extends it to the tune of $62 million for the next 3 years.

Mr. CRAMER. For the next 3 years. This is as a result of the report of the Senate relating to the subject matter of personnel in order to accomplish adequate water pollution control. This is based upon their findings as to the necessity for, the number and the estimated costs.

If the gentlewoman would consult the RECORD of yesterday she will see where I placed in the RECORD a synopsis of that report.

Mrs. GREEN of Oregon. Would the gentleman further advise me if there were any hearings on this particular section where people from higher education were called in? I would also like to know specifically: Is it not true that the students who might go into this kind of training are presently eligible for all of

the other programs that are now available for our college and university students? And specifically would not students now being included in this program be eligible for the work-study program? Are they not now eligible for economic oportunity grants? NDEA student loans, guaranteed student loans?

Is it not true that they are now eligible for all these present forms of student financial aid financed by the Federal Government?

Mr. CRAMER. I will say to the gentlewoman that the report I referred to is Senate Document No. 49 of the 90th Congress, first session, at which time it was found that there are not adequate laws available to accomplish this, and there are not adequate trainees in training or programs available to train them for the purpose of this particular subject.

Mrs. GREEN of Oregon. Mr. Chairman, I believe that in almost every area where professionally trained people are needed there is a shortage, but I have serious question about setting up another program in terms of scholarships, in terms of financial aid programs, in terms of work-study for a particular purpose. On page 68 I notice there is a provision to pay part of the compensation of students employed in connection with the operation and maintenance of treatment works. It is not true that any students who are in colleges or universities today would be eligible for the work-study programs and that such students who are working could be paid by the college or the university under federally financed programs?

Mr. CRAMER. May I say to the gentlewoman that I do not believe there is an adequate program under existence, moneywise or otherwise, to accomplish the purposes of this section, or I would not have introduced it in order to accomplish that objective, pursuant to the Senate report, and printed document that I have referred to.

Mrs. GREEN of Oregon. Would the gentleman advise me if he called for hearings of any people in the field of higher education to find out the question of eligibility, for programs and for student financial assistance?

I would say to the gentleman that the students who are in the colleges and universities are eligible for work and study programs, which is exactly what this outlines on page 68.

I also have serious question about the scholarships. There is no reference in the bill that I can find as to the amount of scholarships that any student would receive. The bill provides 4-year scholarships with no ceiling and no requirement based on "need." Also it occurs to me that the students of those institutions of higher education who would be eligible for the program outlined here would not come under the provisions which were adopted last year by this Congress in regard to disruption of colleges and universities. At the present time the Committee on Education and Labor is looking into this whole matter of student assistance, financial aid to the students at the undergraduate level, and at the graduate level. At a time Congress is reviewing all of the student financial aid, it seems questionable to approve of a further proliferation under another agency of Government.

I also notice that there is a provision that you are going to try to attract secondary students with a promise of financial aid. Is this going to be another upward bound program as talent search program duplicating again—programs that are already in existence?

I just do not understand the reason for this proliferation of financial aid programs. I see this happening more and more often on bills coming from the various committees.

We put in so many financial aid programs that nobody in Congress can keep track of them.

I hope the committee will reconsider and reject this part of the bill. The money could be better spent on other parts of the program so necesary in water pollution control.

Mr. WRIGHT. Mr. Chairman, it is painful to me, in one very important sense, to oppose the amendment offered by my good friend, the gentleman from New York (Mr. STRATTON).

Were I knowledgeable of the specific local situation about which he is concerned, I might quite well sympathize with his position concerning the establishment of a powerplant on Lake Cayuga.

In another sense I feel almost like an example of those fools who rush in where angels fear to tread—into the middle of this obvious New York fight.

But I think it is necessary to state the committee's position in opposition to the amendment offered by the gentleman from New York (Mr. STRATTON).

Basically, the reason we oppose the amendment is that we do not believe it would be wise to change the well-established rules simply to achieve a desired result in one specific case.

The gentleman from New York would create an entirely different procedure with respect to thermal pollution, which after all is only one although admittedly one important phase of pollution, from these procedures we have uniformly applied with respect to all sorts and types of pollution since the beginning of the program.

I think it would be unwise for us to change this delicate balance that we have carefully and purposely created and preserved between the States and the Federal Government. The States promulgate their own standards, but the Federal authority must review and approve those standards. There were specific reasons for this arrangement, and it appears to be working well.

I think that this balance has done some very good things by encouraging the States and indeed requiring them individually to come up with State standards on all phases and facets of pollution. We have stimulated a very great deal of activity on the part of the States to help us to fight this great menace.

If the gentleman were simply to offer an amendment to require the Secretary in evaluating State's standards to take specific account of the adequacy of those State standards with respect to thermal pollution, I think there would be no objection on the part of the committee. Such an amendment would not be necessary in my opinion, as the Secretary already takes this into account. But, you see, the States fix the water quality standards initially. The gentleman's amendment would set up Federal standards for this one type of pollution and place it in a completely different category from all other forms of pollution.

We feel that the State should draw the standards. But the gentleman's amendment would direct that the Secretary shall promulgate "Federal water quality standards, expressly designed to prevent thermal pollution." It seems to me consistent with the entire philosophy of our efforts heretofore to abate water pollution that we should require with regard to thermal pollution exactly the same situation that we have required with regard to other types of pollution.

The gentleman's State should be required to set standards in that regard.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman.

Mr. STRATTON. Mr. Chairman, the gentleman earlier in his remarks suggested that this situation applied to New York and would not apply anywhere else. As a matter of fact I feel there is nothing unusual here that could not occur in many other States. The only point is that New York has apparently been selected as the best bet when it comes to large companies establishing a plant on a small lake, a very small one.

There are a lot of other lakes and there is no question there are lakes in the gentleman's home State. So it is not a unique situation and we are not dealing with a new problem.

While I recognize the need in general, if we are going to set standards, they should be set by the agencies that have done the research on thermal pollution and the States have just not done this research. Would it not be best in dealing with this problem if we write in protective legislation that we need in the situation, now before it takes place, rather than after the pollution damage is done and require the Federal Water Pollution Control Administration to set the standards, since they have done the research and are expert in the field.

Mr. WRIGHT. I appreciate the gentleman's concern, but in response to the gentleman's question I think it is necessary to point out that thermal pollution is not a new problem. Thermal pollution has existed, for example, here in the nearby estuaries in Maryland. It has occurred in Chesapeake Bay. Thermal pollution has probably been responsible there for the destruction of a number of former oyster beds and other shellfish habitations. I do not think that it is a new problem. I do not believe that the gentleman is quite accurate when he declares that the States are not conversant with this problem. I would be very much surprised were I to discover that the great State of New York, as progressive as it is in so many, many ways, and as interested as the people in New York and the leadership in New York have been with respect to water pollu-

tion, would not have had some standards developed, and would not be interested actively in preventing excessive thermal intrusion into its waters.

Mr. STRATTON. We have standards, but in New York State hearings are going on to decrease these standards now so as to permit those plants to be built.

Mr. OTTINGER. Mr. Chairman, I move to strike the requisite number of words.

As I indicated before, I support the amendment offered by my distinguished colleague from New York (Mr. STRATTON) and I congratulate him for his work in this area. He has performed a very valuable service.

Thermal pollution, which can be caused by both nuclear and fossil fuel powerplants, presents us with a peculiar problem. Although the Federal Government licenses atomic plants that cause the problem, no agency accepts responsibility for it. The Atomic Energy Commission has specifically stated that it has no jurisdiction over thermal pollution and does not want it. The AEC's sole concern is for safety.

The AEC relies on the State conservation agencies to pass upon the effects that a plant has on natural resources and experience doesn't indicate that that is a very effective method.

The Federal Power Commission, which does get involved in the environmental problems caused by projects under its jurisdiction, is restricted to hydroelectric projects and has no authority over either nuclear or fossil fuel plants. We propose to change this in the Electric Reliability Act, which is now before the Communications and Power Subcommittee of which I am a member. We want to retain AEC jurisdiction over safety and give the FPC authority to pass on other problems. But this is going to take time.

At the present time, the Federal Government is licensing and, in fact, promoting the development of atomic power plants and not doing anything about the serious problem of thermal pollution which these plants and fossil fuel plants cause.

Now this is not a case where the Federal Government is being asked to create standards which will supersede State standards. It is a case where Federal agencies are being asked to set standards to protect from adverse effects Federally-licensed projects. The States cannot be relied on to carry the ball.

Much to my sorrow, I have to report that the State of New York does not have a very good record in this regard. In reply to my good friends and colleagues from New York (Mr. MCEWEN and Mr. ROBISON) I must point out that while New York established good thermal pollution standards at the beginning, the State has recently moved to change those standards. The hearings to which they referred are not to strengthen those standards or to see that they are more effective, but, at the behest of the utility companies, to change the definitions so that in at least one area, tidal estuaries, the standards are substantially lowered. I don't know what the motivation behind this change was, but the effect has been to make it easier for Consolidated Edison Co. to build a number of nuclear plants in the lower portion of the Hudson River, a tidal estuary. I am afraid there will be many situations with respect to federally licensed facilities where the pressure on the States from the utilities is just too great.

Mr. McCARTHY. Mr. Chairman, will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman from New York.

Mr. McCARTHY. I thank the gentleman for yielding. I think it should be pointed out here that while New York State has set those standards, they really do not become operative until the Secretary of the Interior approves them. So that this is an additional protection here.

I think it should also be pointed out to our other distinguished friends from New York that if the State failed to establish standards—and I am thinking of other cases beyond Cayuga Lake—that the Secretary of the Interior could, indeed, intervene at that point and establish standards so that in terms of the gentleman's amendment, you already have a dual Federal involvement here. They can set standards, the Federals, if the State does not act within 2 years, and the Secretary of the Interior, in Washington, has to approve those standards or they do not become established.

Mr. OTTINGER. Mr. Chairman, what I would like to point out to the gentleman is that we held hearings with respect to massive fish kills caused by thermal effects of the Consolidated Edison plant at Indian Point, N.Y. These hearings were before the Fisheries and Wildlife Conservation Subcommittee of the Merchant Marine and Fisheries Committee. Interior officials came to that committee and said that no agency of the Federal Government has jurisdiction with respect to thermal pollution from nuclear plants. They conceded that the problem is serious, that thermal pollution is destructive of natural resources and should be stopped, but, they said there was not anything they could do. They do not have the authority. The AEC does not have or want the authority. The Federal Power Commission does not have authority. There is a void with respect to Federal licensing of facilities that cause thermal pollution and it should be taken care of.

This is particularly important, because so many thermal nuclear powerplants are being presented as alternative sources of power to reduce air pollution.

This is a big problem and it's going to get bigger. The Office of Science and Technology warned President Johnson that the bulk of the new generating facilities in this country over the two or three decades will be nuclear. They estimated that at least 250 new plants will be built and the plants will be a lot bigger, too. Each will have a capacity between 2,000 and 3,000 megawatts as against 700 to 800 megawatts of today's plants.

Experts have estimated that within 10 years nuclear generating facilities will be using one-fifth of the total water runoff in this country. They will be using it for cooling and the effect of dumping the very, very hot water back into the lake, river or stream from which it came could be devastating. With the cooling devices now advocated, I am told that the water may still be as much as 25 degrees hotter than the stream. Furthermore, it will be dead water, deficient in oxygen and rich in the nutrients that foster the rampant growth of noxious algae that can "kill" a river or lake.

Nuclear plants have a lot to offer as new sources of energy. But we ought to be careful, before these huge investments are made, that we do have the necessary authority to regulate their operation so as to prevent destruction of our fish and wildlife.

Mr. Chairman, I support the amendment.

Mr. WRIGHT. Mr. Chairman, I wonder if we might get some agreement on a limitation of time.

The CHAIRMAN. Is there further discussion on the amendment offered by the gentleman from New York?

Mr. WRIGHT. Mr. Chairman, I ask unanimous consent that all debate on this amendment conclude in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas.

There was no objection.

The CHAIRMAN. The gentleman from New York (Mr. MCEWEN) is recognized.

Mr. MCEWEN. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York (Mr. STRATTON).

Mr. Chairman, I yield to my colleague, the gentleman from New York (Mr. ROBISON).

Mr. ROBISON. Mr. Chairman, I appreciate the gentleman from New York yielding.

I would like to respond to what my colleague, the gentleman from New York (Mr. OTTINGER), said a moment ago with respect to the opinion he has that the New York State Water Resources Commission is moving to decrease or to erode or to weaken whatever water quality standards we have covering thermal pollution.

Here is a copy of the statement by Mr. Alfred W. Eipper, who is an associate professor of fishery biology and leader of the New York Cooperative Fishery Unit at Cornell University, and chairman of the Save Cayuga Lake Committee, as presented to the Water Resources Commission public hearing in Syracuse in March. Among other things Professor Eipper says:

> My compliments to the Water Resources Commission on both its timely recognition of the need for such criteria—

And the "criteria" referred to is the commission's proposed thermal pollution criteria—

> and its solicitation of public opinion on them. These criteria seem to provide a good framework for regulating thermal discharges in ways that will avoid serious damage to aquatic environments, without excessively restricting the producers of heated effluents in most situations.

Then the professor goes on to make a couple of recommendations for changes in those criteria, and then he says:

> In combination with the presently proposed 3-degree, 300-foot criterion, these

should effectively safeguard New York's deep stratified lakes from thermal damage.

This clearly indicates New York is moving to strengthen, not weaken, its control standards against thermal pollution, even though the ultimate decisions have yet to be made.

The CHAIRMAN. The time of the gentleman from New York has expired.

The gentleman from Michigan (Mr. DINGELL) is recognized.

Mr. DINGELL. Mr. Chairman, I yield back my time.

The CHAIRMAN. The gentleman from New York (Mr. OTTINGER) is recognized.

Mr. OTTINGER. Mr. Chairman, I yield back my time.

The CHAIRMAN. The gentleman from New York (Mr. STRATTON) is recognized.

Mr. STRATTON. Mr. Chairman, let me just indicate that this amendment is a very simple test of whether we are really interested in doing something about thermal pollution. We could talk about the philosophy of Federal versus State standards, but the fact of the matter is the only effective work that has been done, has been done by the Federal Water Pollution Control Administration. The only real concern has been expressed by the Department of the Interior.

If we give the job of certifying to these agencies, we can prevent this menace of thermal pollution before it gets under way. If we do not, it clearly is going to be eroded in New York, in spite of what the gentleman from New York (Mr. ROBISON) says. The word around Albany is that the tough bill that went through the assembly is not going to get through the senate, and if it does, the Governor is going to veto it. If it does, the Governor is going to veto it, because they are more interested in building nuclear powerplants than they are in protecting our small recreational lakes.

If this happens to Cayuga Lake, and if Cayuga Lake goes the way of Lake Erie—I am surprised the gentleman who fought so hard to end pollution on Lake Erie is not on my side on this question—then many other lakes are going the way of Lake Erie and we are doing permanent damage to the recreational environment of America.

The CHAIRMAN. The time of the gentleman from New York has expired.

The Chair recognizes the gentleman from Ohio (Mr. HARSHA).

Mr. HARSHA. Mr. Chairman, the important fact of this total argument is being completely overlooked; that is, the States must establish water quality standards and they must be approved by the Secretary of the Interior.

After all the scientists and engineers and qualified experts in the Department of Interior review these standards, if they find they are not acceptable or do not meet the water quality standards that should be established in that area, then they make recommendations to the States to upgrade these water quality standards. Certainly, with all the know-how in the Department of Interior, they are not going to permit the State of New York to permit thermal pollution if it can be avoided.

The argument that the State is going to turn its back on the people of New York and allow a company to pollute Cayuga Lake I believe is a fallacious one. Certainly the Department of the Interior will not do it should the State decide to do it.

Assuming that the gentlemen are correct, that there is a hearing going on now—I am not aware of this, but assuming there is a hearing going on—to modify the State standards, already acceptable, these modifications must in turn be approved by the Department of the Interior, by the Secretary of the Interior. He is not going to permit any thermal pollution of this lake. But to the contrary assure that they meet acceptable water quality requirements.

As an added fact let me point out to the committee that the company constructing the utility in that area has voluntarily stopped construction until this whole question of thermal pollution can be more adequately studied. I believe there is adequate time here to make this determination before we would see any pollution of Lake Cayuga. I urge the defeat of the amendment.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

The Chair recognizes the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Chairman, I yield back my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. STRATTON).

The amendment was rejected.

Mr. WRIGHT. Mr. Chairman, I move to strike the last word.

I take this time in order to yield to the gentleman from Texas (Mr. ECKHARDT), so as to get a clarification of the meaning of language in one of the definitions.

Mr. ECKHARDT. Mr. Chairman, I should like to ask this question of a knowledgeable member of the committee.

First I should like to recognize the committee's excellent work on this bill, which seems to me a broad and intelligent approach to the questions involved.

There is one area in this bill which touches my area closely, and I believe also may affect other portions of the country.

The report, on page 2, under the heading "Oil Pollution," deals with oil and matter, and refers to some 200 substances which conceivably the Secretary of the Interior might define as substances in which prevention of pollution could apply.

The point I wanted to be clear about is that these substances, under the definition of "matter" on page 38 of the bill, would include such things as very fine washings, for instance, from a dredge producing shell as an industrial product. I wanted to be sure that the term "dredged spoil" which is exempted from the term "matter" did not exempt this type of substance.

Subsection 2 says:

"Matter" means any substance of any description or origin, other than oil—

And then the words "dredged spoil" are used.

So "dredged spoil" would be excluded from the definition of matter. However, Webster's Third International Dictionary defines "to dredge" as "to deepen with a dredging machine; excavate with a dredge." It defines "spoil" as "a material (as refuse, earth, or rock) excavated usually in mining, dredging, or excavating," and gives the example of an artificial island built with spoil from dredging operations. I assume that the term "dredged spoil" would mean that spoil which is removed from a dredge cut, as where a channel is being deepened, and then the spoil is moved to a spoil island or dump in whole, as a waste product, rather than something which might be washed overboard from what really amounts to a floating manufacturing plant.

Mr. WRIGHT. Mr. Chairman, I think if the gentleman would accept my response, that the gentleman from Texas and the author of the Webster's dictionary and the committee are all in agreement. I think we intend to include in our use of the term "dredged spoil" precisely what the gentleman assumes we intend to include, that is, material moved from one place to another for the purpose of creating a navigation channel or for other such purposes that may require the removal of earth from one place to another. I would not believe, and I do not think the committee would believe, that the type of operation which the gentleman describes as a floating factory and the refuse that is spewed out from that kind of an operation would be exempted under the term "dredged spoil." I do not believe that that type of activity would be summarily exempted as dredged spoil. The extent that the refuse from such an operation would be prohibited as "matter" defined by the Secretary would be, of course, up to the Secretary to determine. However, I think it is clear that such refuse from such a manufacturing operation could be included by the Secretary in his listing of hazardous and harmful matter and would not be summarily exempted from such a listing under the guise of its being dredged spoil.

AMENDMENT OFFERED BY MR. HORTON

Mr. HORTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HORTON: On page 75, after line 24, insert the following:

"SEC. 4. Section 12 of the Federal Water Pollution Control Act, as amended, is amended by adding at the end thereof the following:

"'(f) It is the purpose of this subsection to authorize a program which will provide official recognition by the United States Government to industrial firms and to political subdivisions of States which demonstrate excellence in their waste treatment and pollution abatement programs. The Secretary shall, in consultation with the appropriate State water pollution control agency, establish regulations under which such recognition may be granted.

"'(A) The Secretary shall award a certificate or certificates and a flag or flags of suitable design to each industrial organization or political subdivision which qualifies for such recognition under regulations established by this subsection.

"'(B) The President of the United States, the Governor of the appropriate State, the Speaker of the House of Representatives, and the President pro tempore of the Senate shall

be notified of the award by the Secretary, and the awarding of such recognition shall be published in the Federal Register.

"'(C) Beginning on the day following the awarding of such recognition, the recipient industry or political subdivision is authorized to display publicly the flag and certificate, including the display of the flag insignia and the receipt of recognition as part of advertising and other material which is publicly distributed or broadcast.'"

And renumber succeeding sections and references thereto accordingly.

Mr. HORTON. Mr. Chairman, my amendment to H.R. 4148 provides for a program of Federal recognition awards to private industry and local government which demonstrate excellence in the fight against pollution of our waterways.

Every once in a while, it is refreshing for the Federal Government to help solve a pressing national problem with a program which does not cost millions of dollars to launch, and which is relatively free of bureaucratic redtape.

In the summer of 1966, the National Resources and Power Subcommittee of the Committee on Government Operations, chaired by our able colleague, Congressman ROBERT JONES of Alabama, held hearings on pollution problems in Monroe and Wayne Counties in the State of New York. It was during these hearings in Wayne County that a constituent of mine County Clerk Leonard Schlee, called me aside and made the suggestion that an effective way to encourage private initiative in improving waste treatment and eliminating pollution would be to institute a nationally publicized "clean water" award, similar to the "E" awards given to defense plants during World War II. This award would be given by the Federal Government to industries which took exemplary initiative in solving pollution problems, through improvement of waste treatment methods, or through installation of modern waste treatment facilities meeting the stringent standards of the award.

Upon returning from those hearings almost 3 years ago, I submitted legislation which authorized the Secretary of the Interior to grant such awards to private companies and local governments.

Since that time, the problems of pollution in this Nation have, despite great effort on many fronts, grown worse. The Federal Government, because of huge budget commitments to the war and to other domestic needs, has not been able to supply enough antipollution dollars, nor even all of the funds Congress has authorized to help State and local governments attack pollution. We have not yet been able to act on a plan of tax incentives for industries which invest in antipollution facilities.

I believe that a nationally publicized and carefully administered program of Federal "Clean Water" awards could provide some of the needed incentive to get industry and local government to respond positively to the sorry state of too many of our lakes, rivers, and streams. My amendment springs from the idea that one of the foundations of private initiative is the desire for public recognition and community approval. Business recognizes the importance of public good will as a necessity for building markets and for obtaining and retaining competent management and employees. Eastman Kodak Co., in Rochester, has demonstrated its awareness of the importance of this factor. This firm, which is in the process of building a modern secondary treatment plant for its chemical and industrial wastes, has publicly contracted with a little goldfish, to test the purity of its treated effluent—using the health of this lively creature as testimony to the company's efforts to eliminate water pollution.

A program of "clean water" awards would provide a double incentive, at very little cost to the Government. It would serve to encourage companies and localities which have taken very little initiative in cleaning up their wastes to get on the stick and do their part to attack this problem. It would also serve to publicly recognize those cities and towns and industrial firms which have already expended millions of dollars to provide truly exemplary waste treatment facilities, or to develop needed improvements in waste treatment techniques.

Mr. Chairman, I think this amendment would sharply focus on the high priority that our Government gives to correcting the pollution of our environment. Even at a time when the truly massive appropriations necessary to lick the pollution problem are beyond our reach, a well administered and well-publicized program of awards for excellence in pollution control would stimulate the conscience of America, and I believe, would help to stimulate action on the part of both public and private organizations to do their part in this fight.

I urge each of my colleagues to support this measure.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. HORTON. I shall be glad to yield to the gentleman from Alabama.

(Mr. JONES of Alabama asked and was given permission to revise and extend his remarks.)

Mr. JONES of Alabama. Mr. Chairman, I know of no one who has served with more diligence and who has gained more knowledge in water resource development than the distinguished gentleman from New York (Mr. HORTON), who has just offered this amendment.

It is my opinion that the amendment is one that is of great value. It could be utilized by industries which are making a great effort to meet the problem of water pollution and to increase the quality of water from which withdrawal are made. Therefore I believe the gentleman's amendment would grant recognition to these vast industrial efforts, and for that reason they would play a much greater role in seeking an answer to the solution of a major public endeavor, and that is to clean up the waters of our country. Consequently, I hope that the Committee will accept the amendment, because I feel it has great value.

Mr. HORTON. I certainly thank the distinguished gentleman from Alabama (Mr. JONES). It was a real pleasure to work with the gentleman on the Natural Resources and Power Subcommittee of the Committee on Public Works. I am sure that through the efforts of that subcommittee and the hearings which we held throughout the country, we did much to bring to the attention of the American people the work that is being done by private industry, and by many local governments, to abate pollution. We found little public recognition for vast expenditures by private industries and for great courage by local elected officials to institute expensive local programs to solve pollution problems.

A program such as proposed here would give some Federal recognition which would not be in terms of any monetary value, but an award which would represent recognition on the part of the Federal Government for outstanding antipollution programs which in my opinion would certainly be warranted and advisable.

Mr. DINGELL. Mr. Chairman, would the gentleman yield?

Mr. HORTON. I yield to the gentleman from Michigan.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Chairman, I thank the gentleman for yielding. I believe the gentleman has a good idea here. Because this amendment was not read in full, we have no understanding of the limitation that would be imposed upon this award. I am more than satisfied that the gentleman from New York contends that the award would be made only to persons who are deserving, industries, municipalities, and others who have done something in terms of cleaning up our streams, and would not be something that would be handed out merely at the whim or caprice on the part of someone, or without due consideration to the efforts which have been made by the parties involved.

Mr. HORTON. I did terminate the reading of the amendment. However, I have sent a copy of this amendment around to all Members. There would be no caprice or whim in the selection of industries, businesses, or governments to receive these awards. The essential part of the amendment reads as follows:

(f) It is the purpose of this subsection to authorize a program which will provide official recognition by the United States Government to industrial firms and to political subdivisions of States which demonstrate excellence in their waste treatment and pollution abatement programs. The Secretary shall in consultation with the appropriate State water pollution control agency establish regulations under which such recognition may be granted.

Thus, regulations would be required on which to base recognition and granting of awards.

Then it goes on to point out that certificate shall be awarded and that the people, the industry or the municipality——

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. HORTON was allowed to proceed for 3 additional minutes.)

Mr. BLATNIK. Mr. Chairman, in order to conserve further discussion on the point raised by the gentleman from Michigan, and on the amendment itself, the committee does accept the amendment.

I would like to have the RECORD show that the author of the amendment made a very impressive and persuasive presentation before the committee. He had an amendment that showed a great deal of consideration had been given to it. It was reviewed by the staff, both the majority and the minority participating, and suggestions and modifications were made to it.

We do accept the amendment submitted by the gentleman from New York.

Mr. HORTON. Mr. Chairman, I thank the gentleman.

(Mr. HORTON asked and was given permission to revise and extend his remarks.)

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HORTON).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. VANIK

Mr. VANIK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VANIK: On page 78, after line 17, insert the following:

"SEC. 6. (a) The Congress hereby finds and declares—

"(1) that because certain waters of the Nation which have been subject to increasing pollution over the years may become environmental disaster areas in which the water of the region is in immediate danger of becoming unsuitable or possibly harmful to the population of the area, Therefore, Congress resolves by this section to provide an emergency fund to provide permanent corrective relief for those areas of the Nation which are in environmental crises.

"(b) As used in this section—

"(1) The term 'Commission' means the Pollution Disaster Commission authorized by subsection (c) of this section.

"(2) The term 'pollution disaster area' means any area of the United States, the Continental Shelf, or the Great Lakes, in which the water has become or is in danger of becoming unsuitable or harmful for the uses to which it has been traditionally used in that area because of the accumulation of pollutants or other induced changes in the environment and ecology.

"(3) The term 'fund' means the Pollution Disaster Fund authorized by subsection (d) of this section.

"(4) The term 'waste treatment works' means the various devices used in the treatment of sewage or industrial wastes of a liquid nature, including the necessary interceptor, outfall, storm, lateral, collector, sewers, pumping, power, and other equipment, and their appurtenances, and includes any extensions, improvements, remodeling, additions, and alterations thereof.

"(5) The term 'Secretary' means the Secretary of the Interior.

"(6) The term 'person' means any individual, corporation, company, association, firm, partnership, society, and joint stock company.

"(c) (1) There is hereby established a commission to be known as the Pollution Disaster Commission.

"(2) It shall be the duty of the Commission to establish those areas in the United States, the Continental Shelf, and the Great Lakes which are pollution disaster areas for the purposes of this section.

"(3) The Commission shall be composed of seven members appointed by the President by and with the advice and consent of the Senate, four of whom shall be recognized experts in the fields of biology, ecology, and conservation and the remainder of whom shall be representatives of the general public. No member of the Commission shall be a full-time officer or employee of the United States.

"(4) Members shall serve at the pleasure of the President.

"(5) Members of the Commission shall each be entitled to receive $100 for each day (including traveltime) during which they are engaged in the actual performance of duties vested in the Commission.

"(6) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

"(7) Four members of the Commisison shall constitute a quorum.

"(8) The Chairman and Vice Chairman of the Commission shall be elected by the members of the Commission.

"(9) The Commission may appoint and fix the compensation of such personnel as it deems advisable. Such personnel shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(10) The Commission may for the purposes of carrying out its duties under this section hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission may deem advisable.

"(d) There is hereby established in the Treasury of the United States a fund to be known as the "Pollution Disaster Fund". There is hereby authorized to be appropriated such funds as may be necessary to initially establish the fund at $100,000,000 and to replenish it thereafter to maintain it at such amount. The Secretary, acting through the Federal Water Pollution Control Administration, is authorized to expend moneys from the fund in accordance with subsection (e) of this section.

"(e)(1) Whenever, in carrying out its duties under subsection (c), the Commission determines that an area of the United States, the Continental Shelf, or the Great Lakes, is a pollution disaster area, and of such dimension that solutions are beyond the capability of any single individual state, the Commission shall notify the Secretary of such determination and the Secretary is authorized to take such action as may be necessary in the case of a pollution disaster area, to provide permanent corrective relief for the pollution disaster area as authorized in paragraph (2) of this subsection.

"(2) In the case of an area declared to be be a pollution disaster area, the Secretary is authorized to make grants from the fund to any State and to any political subdivision of such State, and to any interstate agency created by such State and one or more other States, for any activity designed to provide permanent corrective relief to such area, including, out not limited to, the construction of waste treatment works within the pollution disaster area. A grant for construction of waste treatment works shall not exceed 90 percent of the reasonable cost of such construction. The Secretary is also authorized to purchase evidences of indebtedness and to make loans (including participations in loans), and to guarantee loans, from the fund to aid in financing any projects by private persons for the construction of any waste treatment facility or any other related facility. Financial assistance authorized by this paragraph shall be on such terms and conditions as the Secretary determines are necessary to protect the interests of the United States and carry out the purposes of this section. Loans and guarantees under this paragraph shall be at low rates of interest as determined by the Secretary.

"(3) The Secretary shall, in any case where there is more than one pollution disaster area requesting assistance under this section, give priority to those areas containing the highest concentrations of population and having economies dependent upon the threatened natural resources, and to those areas where the polluted waters are interstate waters or waters along the boundary between this country and Canada, and between this country and Mexico."

Mr. VANIK (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as having been read.

I have sent copies of the amendment to both sides of the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. VANIK. Mr. Chairman, this amendment before the committee at the present time provides for the establishment of national pollution disaster areas, and for this purpose I have requested an appropriation of $100 million which will be directed toward the really massive pollution problems of the United States.

Mr. Chairman, I have always supported pollution proposals which were authorized or which were brought to the Congress by this committee. In my period of time as a Member of the Congress I have joined in authorizing and sponsoring and in supporting over three billion dollars in water pollution control legislation, of which $1.5 billion has been appropriated.

Today, after the expenditure of this kind of money, we along the shores of Lake Erie find ourselves in a situation which is worse than it was when we first started these programs. It is said that Lake Erie is a dead body of water. And we do have a body of water which is deteriorating so rapidly that it has indeed become the Nation's greatest pollution disaster area.

We are likely to become the Nation's first man-made depressed area, because of the pollution problem. There are other parts of America that have a comparable problem. There is a problem in northern New Jersey, and southern New York, along the Hudson River. We have the problem that occurs along southern Lake Michigan, along stretches of the Mississippi River, and along the coast of California.

I believe that it is time that we should consider approaching the problem of pollution on a regional basis, in a massive way, to meet these problems.

For example, in Lake Michigan we find that out of $51 million that was allocated to Illinois from Federal funds, only $12.7 million has gone to Cook County.

Detroit, which pours its waste into the Detroit River, which runs into Lake Erie—probably the largest single source of our pollution—out of $47 million allocated to the State of Michigan in the last 13 years only $8 million has been spent in Wayne County.

We have the same problem in Ohio. Although we have had almost $49 million provided in Federal funds, we find that these moneys have been scattered throughout the State in small but neces-

sary projects, which help, but the great source of pollution, the great polluted area of Lake Erie, receives no consideration at all related to its need.

A great many other grants have been made which are really in the form of economic development. We find a lot of these resources being allocated by the several States, not to clear up existing pollution, but to provide for sanitary systems and sewage disposal systems, which make it possible for new industries to locate in these areas.

In testimony before the Committee on Public Works, the Assistant Director of the General Accounting Office indicated the use of U.S.-financed waste treatment works for the sole treatment of private industrial wastes might become common.

So what we need is a task force approach—something that will be directed regionally to the area of need.

My legislation is directed toward that end. I think about Lake Erie. Some of my colleagues may think about disasters of those proportions that affect their communities. But I say that our Lake Erie problem is international. It is interstate. It is completely beyond the capacity of any single State to solve. Therefore, it is a national problem. It requires a special approach which is not available under existing law.

I cannot just stand by and see Lake Erie and the Lake Erie problem overlooked. I cannot give up on Lake Erie. I feel that we ought to perform a transplant to bring back life to the lake instead of trying to perform an autopsy on something that is dead and gone.

I have not given up hope on Lake Erie and I plead with my colleagues in the House of Representatives and on this committee to provide the help that is needed on this most critical problem.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I am happy to yield to my distinguished colleague, the gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, I congratulate the gentleman on his amendment and I certainly would like to support him.

I think the gentleman is giving the House an opportunity in this bill to deal with the specific isolated problems of greatest need. The whole approach of specifying disaster areas and moving in with assistance is not new. We do it under the Economic Development Act and we do it with various other procedures.

The gentleman is proposing the machinery that would permit the Federal Government to move in with substantial resources when a problem starts to develop which could become an ultimate disaster.

The bill we have before us provides aid across the board to all communities and deals with a broad stroke in dealing with the problem.

What the gentleman is proposing here makes a great deal of sense and there are certain potentials for great disaster in this country affected by pollution.

The CHAIRMAN. The time of the gentleman has expired.

(Mr. VANIK asked and was given permission to proceed for 5 additional minutes.)

Mr. PUCINSKI. There is no greater problem right now than Lake Erie. So it seems to me that we should recall the wise words of perhaps one of the most expert Members of this Congress in this field, the gentleman from Minnesota, who yesterday said:

> Some scientists have suggested as Mr. WRIGHT said, that it may already be, in a sense, a dead lake, in that unless massive measures are undertaken immediately, the problem may be almost irreversible.

Then he said:

> Not only $100 million but several hundreds of millions of dollars will be required in order to clean out and to reverse the situation existing in Lake Erie so as to restore it to an acceptable level of quality and maintain it in accordance with the standards in existence now.

Certainly, we have here a situation where it will take millions upon millions of dollars to restore Lake Erie. If there had been available an apparatus such as the gentleman is now proposing in this amendment 5 years ago or 10 years ago, Lake Erie would not be the disaster area that it is today.

So for that reason, I will support the amendment.

Mr. BLATNIK. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I yield to the gentleman.

Mr. BLATNIK. I want it to be clear that if it were not for the negligence of the States bordering on the Lake in the first place at anytime in the last 50 years, they could have stopped the pollution and we would not have that problem on the floor of the House here today before us. I want the record to show that. It was not because of any neglect or delay on the part of this body.

Mr. PUCINSKI. I would not quarrel with the gentleman's statement in that regard. He is an expert in this field and I respect his good judgment. But the fact remains that what the gentleman is proposing is the creation of an agency or an apparatus that would be able to deal effectively with these problems, these huge problems that often go beyond the scope of the legislation now before us.

I think it makes a great deal of sense. This is the way to approach the problem. The gentleman has said, "Let us set up a fund of $100 million so we can move in and deal effectively before it spreads and affects the whole community." For that reason, I think it is an imaginative amendment. It would be my hope that the Committee would accept it.

Mr. FEIGHAN. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I yield to my colleague from Ohio.

Mr. FEIGHAN. I wish to commend my colleague for his foresight in bringing forth this amendment. It is my hope it will be adopted. I think it is patently clear to everyone that Lake Erie is just one of many unfortunate situations that exist in the Nation with reference to the pollution of rivers, lakes, and recreational areas. As an example, Cleveland, Ohio, voted a $100 million bond issue for air- and water-pollution control. It seems to me absolutely necessary that this Congress cooperate with the citizens of our country, not only those bordering on Lake Erie, or other great lakes, and offer them an opportunity to match funds in some manner or other to clear up this pollution which, in the case of Lake Erie, is creating almost a dead lake.

I certainly urge adoption of the amendment. I understand there have been considerations of other methods by which this serious condition may be met and eliminated. I would rather have this amendment accepted than to try to wait for other crash programs later.

Mr. Chairman, the creation of a national pollution disaster fund, will provide a much needed stimulus to the water quality of the Great Lakes and other national waterways.

This amendment will authorize an appropriation of $100 million for the establishment of a pollution disaster fund within the Treasury Department. To channel these moneys into needy areas, a seven-man Pollution Disaster Commission will be created. Four of its members shall be acknowledged experts in the fields of biology, ecology, and conservation and the remaining three persons will be representatives of the general public. All members will be appointed by the President with the consent of the Senate and will have as their task, the allocating of Federal funds to areas of the United States, Great Lakes and the Continental Shelf which have been subject to increasing pollution and whose waters are in imminent danger of becoming unsuitable or harmful to the population.

These areas will be designated as environmental disaster areas and as such will be eligible for Federal aid through the pollution disaster fund, to take whatever action necessary to correct the inadequate and substandard condition of their waters.

Ninety percent matching grants will be made by the Secretary of the Treasury in coordination with the Federal Water Pollution Control Administration, to any State or political subdivision for any activity designed to provide permanent corrective relief to the disaster area, including the construction of appropriate waste treatment works.

The amendment also authorizes the Secretary to make and guarantee loans to any individual, association, or company for the construction of any waste treatment facility.

This amendment is offered in direct response to the rapidly deteriorating conditions of our Nation's waterways. Waters such as Lake Erie, where people at one time could freely enjoy the pleasures it offered, but now the water is contaminated to such an extent that it is no longer a center for recreational activity. People have been forced to consider the harmful effects the impure waters have on their health and well-being. Plant and animal life have suffered untold damage because of the inferior quality of such waters.

In Cleveland, where the voters recently approved a $100 million antipollution

bond issue, this amendment will demonstrate that the Federal Government shares their commitment to clean water and is anxious to provide them with the much needed assistance in getting the job done. Similar areas throughout the country will benefit from this amendment and I urge my colleagues who share our commitment to clean water, to join in support of this amendment.

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I yield such time as he may desire to the gentleman from California.

Mr. EDWARDS of California. I thank the gentleman. I congratulate the gentleman from Ohio for bringing this amendment to the floor of the House.

I note that yesterday the gentleman from Ohio (Mr. VANIK), asked if any other water pollution problem in the Nation matches that of Lake Erie. I for one hate to brag—at least in the area of claiming the most polluted body of water in the Nation—but I must confess I believe San Francisco Bay matches, if not exceeds Lake Erie in the complexities of the pollution. We have sewage and industrial wastes of all types pouring into the bay at a rate now exceeding that of the fresh water flow in major portions of the bay. At the same time the Federal Government and the State of California are further cutting the fresh water flows into the bay while building additional pollution pipelines to the bay.

If San Francisco Bay is not now an environmental disaster area, it soon will be. We too need far more help than is offered in this bill, and we need it now. In the future I would hope to brag about the beauties of San Francisco Bay, not its problems, and my contests with the gentleman from Ohio will be in comparing the delights of Lake Erie with those of my bay. I believe I will win hands down.

(Mr. EDWARDS of California asked and was given permission to revise and extend his remarks.)

Mr. STOKES. Mr. Chairman, I move to strike the requisite number of words.

(Mr. STOKES asked and was given permission to revise and extend his remarks.)

Mr. STOKES. Mr. Chairman, I would like to join my colleagues in supporting the amendment to H.R. 4148 which would establish a special $100 million fund to be used to combat pollution in areas which have become, in every sense of the word, natural disaster areas. I have joined with 28 other Members of this Chamber in sponsoring, as separate legislation, a bill to provide relief for pollution disaster areas. It is my hope that that bill will be accepted as an amendment to the legislation before the House today.

The congressional district which I represent touches on the waters of Lake Erie—the lake which has, as members of the distinguished House Public Works Committee have said, a pollution problem unmatched in the Nation. The Cuyahoga River, one of the major tributaries of Lake Erie, flows through my congressional district in the city of Cleveland. This river is so polluted and so covered with chemicals and oils that it periodically catches fire. It has been called "the only body of water ever classified as a fire hazard." Because of unavoidable age and overloading, the city of Cleveland's sewer system has suffered several recent breaks. For half a year in 1967 and during the last half of 1968, 30 million gallons of raw sewage a day flowed into the Cuyahoga River while sewer lines were under repair. Is it any surprise that the coliform count at the point where the river enters Lake Erie is 1,200 times the bacteria level allowed for safe swimming? Not only is the river totally unsafe for humans, but it is unable to support any form of marine or aquatic life.

The voters of the Cleveland area have just approved a massive $100 million bond issue to be used in Cleveland's anti-pollution crusade.

Yet the problem of Lake Erie, and even of the Cuyahoga River, is too big for a single community to solve. The major source of Lake Erie pollution is, as a matter of fact, the Detroit River. Obviously, help from the Federal Government is needed in problems as large as that of the interstate and international waters of Lake Erie.

But the legislation before us, H.R. 4148, does nothing to help solve the critical pollution problems of areas like Lake Erie, the Hudson River, San Francisco Bay, and lower Lake Michigan. During yesterday's debate on this bill, it was pointed out by members of the committee that the bill does not provide for a broad assault on the existing pollution in lakes such as Lake Erie.

The amendment offered by my colleague from Ohio (Mr. VANIK), and which I am supporting, does offer hope to areas like Lake Erie which have become pollution disaster areas. The amendment will provide that once a water area has been determined by a commission composed of conservationists and ecologists to be in severe ecological danger, to be so polluted that it is unusable and a danger to health, grants and loans from a $100 million fund will be available to communities and residents of the area for assistance in constructing pollution control devices.

Only a concentrated attack, such as this amendment provides, can save for ourselves and our children these bodies of water, our most precious natural resources.

I urge support for this amendment.

Mr. WRIGHT. Mr. Chairman, I move to strike the requisite number of words.

Surely every member of the Committee is fully sympathetic with what the gentleman from Ohio desires to do. He appeared before our committee and discussed his proposal in eloquent detail. Certainly Lake Erie is the most advanced case, among the other great lakes, of the debilitation of a great body of water. Certainly a massive assault should be made upon the pollution of this great natural resource.

I refer the gentleman to some lines I wrote back in 1965. I wrote a book that was published in which I pointed out:

Lake Erie is not only blighted by municipal and industrial waste from those communities which border its shrinking shore lines, but it is also defiled by more than 20 grossly polluted streams. One of them, the Cuyahoga River, was recently found to contain 4 times the bacteria count expected in a stream of raw sewage.

So, as the gentleman can see, I have been actively concerned about this problem for years.

I simply raise this question: Sympathetic as all of us are, desirous as all of us on the committee and hopefully in the entire Congress are to make the assault necessary to clean up this great body of water and the other great lakes, I wonder if the gentleman has any thought that the Congress in the present budgetary situation is going to be able to appropriate $100 million more, as he asks?

Four years ago we approved a massive program to assault pollution on all streams and all bodies of water in the United States. It was the boldest, bravest, most forward-looking program that ever had been offered in this field. It passed this House and the other body unanimously. There was not one single vote against it.

That bill authorized this kind of escalation in expenditures: $450 million for 1968, $700 million for 1969, $1 billion for fiscal year 1970. That is already authorized. We passed that authorization without a dissenting vote in either House.

But what have we done? Have we made that money available? No, we have not. In 1968 we made less than half the $450 million authorized available. We made $203 million available by appropriation. In 1969 we made less than one-third the $700 million available. We appropriated $214 million. For 1970 the administration recommends that we again appropriate $214 million. This is less than one-fourth the amount this Congress authorized, unanimously, for fiscal 1970.

If the gentleman from Ohio wants to put on the books a suggestion that we will authorize for the Great Lakes another $100 million in addition to this $1 billion we already have authorized for the whole Nation including those streams that flow into the Great Lakes, then, fine, we could do that. But, my friends, would it not be meaningless when we cannot get Congress to appropriate more than $214 million for the whole Nation, for every community beset by pollution, for every stream that is defiled?

What good is an authorization without an appropriation? A total of $214 million for the whole program—that is all we appropriated last year and that is all we are being asked to appropriate this year. That much for the whole Nation. I think it would be a cruel deception to pass a bill that would say we are going to put up $100 million for this additional purpose and then not do it.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Alabama.

Mr. JONES of Alabama. Mr. Chairman, the testimony before the committee was that it would take us 92 years to bring water quality up to the established standards that we expected in all the bills we have passed. So we are putting a disproportionate amount on a single

project. The total aim of all this legislation is to make geographical distribution of the money so that all the streams may have some proportionate share.

I will say to the gentleman from Texas nobody has done more than I and the subcommittee with which I have been associated as chairman to bring about improvement in and to draw public attention to the state of deterioration in Lake Erie and the other lakes, but I do not think it is necessary for us to take a disproportionate amount of the money and apply it to one single body of water and to the exclusion of the others. We all know, as we have pointed out, we will not be able to have sufficient money to do all the urgent tasks and studies that confront us to eliminate and arrest pollution throughout the country.

(Mr. MINSHALL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MINSHALL. Mr. Chairman, I have listened for 2 days to the debate over amendments to the Federal Water Pollution Control Act. I shall, of course, vote for it, just as I have supported antipollution measures time after time in the past. I will dedicate every effort in my House Committee on Appropriations to see that every cent we authorize today is appropriated.

But, I am discouraged after all these years that the pollution of Lake Erie and funds to save the lake should still be a subject for debate. When all the sound and fury dies down, we who come from States bordering this most polluted body of water in the world still are given only a trickle of money to fight pollution in Erie.

In order to adequately express the emergency nature of the Lake Erie crisis, therefore, I have today written Governor Rhodes asking that he, in accordance with title 42, section 1855, of the United States Code, ask the President to declare Lake Erie a national disaster area. I also am advising the White House of my action and I would urge those of my colleagues from other States bordering Lake Erie to take similar action.

For the situation in Lake Erie is just that: a national disaster, as defined by law, just as real as if the area had been stricken by flood, tornado, or blizzard. Federal funds and forces are immediately mobilized when calamities such as these strike. The disaster of Lake Erie, the decay which is inexorably leading to its death, has been gradual. Perhaps because its destruction has not been as quick or dramatic as a flash-flood or forest fire that it has not captured the imagination or inspired the sympathetic indignation of a broad spectrum of Americans. But it is a disaster of the first magnitude jeopardizing the health and the jobs of millions of citizens who live and work on its borders. The lake is literally rotting away and taking with it priceless fishing and recreational areas. Erie's commercial fishermen are suffering severe financial losses, with their total catch down by more than 50 percent. Not a Clevelander who pours a glass of tap water but is reminded by its sickening discoloration of the contamination of the lake.

In 1967 I extended an invitation to then President Johnson to fly over Lake Erie to see for himself the tragic condition of that once beautiful body of water, where more than 4,000 square miles of Erie are absolutely dead, all life strangled by algae. I wanted him to see, too, the miles of beaches closed because the water is unsafe for swimmers.

I extend that invitation again to President Nixon or to those officials who he may designate to make the same flight over the lake, the same visit to the shoreline. I do not think they could fail but agree that this is, indeed, an exceptional pollution case, a national disaster.

My concern and sympathies are extended to my colleagues who argue that Lake Erie is but one of many polluted bodies of water in our Nation. I agree that pollution is a national problem, one of the greatest domestic issues confronting us. But I would suggest that they, too, might see for themselves the incredible conditions of Erie. I believe they, too, would be convinced that this is a special, a unique, case requiring national emergency action.

As regards the bill before us today, I would like to point out that I have both in this Congress and in the 90th Congress introduced legislation to curb dumping of dredging into Erie and other navigable waters by the Corps of Engineers. It is ironic that we hand out millions of dollars to combat water pollution on the one hand, the corps and other Federal agencies are among the major offenders in contributing to the pollution. I also would like to mention that in this and in the last Congress I also sponsored legislation of the type incorporated in today's bill to eliminate the type disaster witnessed in the *Torrey Canyon* incident in England. I am pleased that both pieces of legislation are incorporated and enlarged upon in H.R. 4148.

At this point in the RECORD I wish to include my letters to Governor Rhodes and to the President requesting that Lake Erie be declared a national disaster area:

APRIL 16, 1969.

Hon. JAMES A. RHODES,
Governor, State of Ohio,
Statehouse, Columbus, Ohio.

DEAR GOVERNOR RHODES: Inasmuch as the pollution of Lake Erie continues unabated, constituting a continued serious threat to the health, recreation and economy of the State of Ohio, and, inasmuch as the impact of the deterioration of the lake failed to impress the last Administration and now appears unlikely to receive sufficient support from the present Congress, I strongly urge you to ask President Nixon to declare Lake Erie a disaster area. In making this request, I cite the following Federal statute:

"Title 42, Section 1855. Declaration of Congressional Intent.

"It is the intent of Congress to provide an orderly and continuing means of assistance by the Federal Government to States and local governments in carrying out their responsibilities to alleviate suffering and damage resulting from major disasters, to repair essential public facilities in major disasters, and to foster the development of such State and local organizations and plans to cope with major disasters as may be necessary."

"Title 42, Section 1855a. Definitions.

"(a) 'Major disaster' means any flood, drought, fire, hurricane, earthquake, storm, or other catastrophe in any part of the United States which, in the determination of the President is, or threatens to be, of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement the efforts and available resources of States and local governments in alleviating the damage, hardship, or suffering caused thereby, and respecting which the Governor of any State (or the Board of Commissioners of the District of Columbia) in which such a catastrophe may occur or threaten certifies the need for disaster assistance under this chapter, and shal give assurance of expenditure of a reasonable amount of the funds of the government of such State, local governments therein, or other agencies, for the same purposes with respect to such catastrophe."

I do not need to elaborate to you, who are so mindful and concerned regarding the crisis situation of Lake Erie, the paucity of funds granted under the last Administration for the fight against pollution to the State of Ohio. I am urging colleagues from other states bordering the lakes to call on their State Governers to take similar action, but I would of course be proud to see you in the lead.

I am certain you agree that conditions in Erie constitute a "national disaster" which has not been brought fully or dramatically to the attention of the Nation as a whole. Perhaps this will be the vehicle by which we can bring its plight to the public and enlist the aid of conservation and economy-minded citizens in saving Lake Erie.

A copy of this letter is being sent to President Nixon, along with an invitation to the President or any official he designates to join me in flying over the lake to survey the dead portions, to tour the beaches closed because of health hazards, and to discuss the problem in specific terms. This invitation is, of course, also extended to you.

With warm personal regards,
Sincerely yours,

WILLIAM E. MINSHALL,
Member of Congress.

APRIL 16, 1969.

The PRESIDENT,
The *White House,*
Washington, D.C.

DEAR MR. PRESIDENT: Conditions in Lake Erie have reached such a critical point, and past Federal assistance to alleviate the pollution so sparse, that I have written to Governor James A. Rhodes urging him to ask you to declare Lake Erie a national disaster area.

As stated in my attached letter to the Governor, I feel that Lake Erie qualifies as a disaster area as defined under Title 42, Section 1885a(a).

Not only the economy of the states bordering the lake, but the health and recreational facilities of its millions of residents, are in the gravest jeopardy. I do not believe full realization of this threat has been brought home to most American citizens, despite the shocking fact that Lake Erie is conceded to be the most polluted body of water in the world. Its death would have an economic impact reaching much farther than the states sharing its shoreline.

It would be my pleasure to personally show you, from the air, the thousands of square miles of Erie which are absolutely dead, all life strangled by algae, and the thousands more miles under immediate threat. I invite you to inspect the deplorable condition of lake beaches, many closed because they are unsafe for swimming. And I call your attention to the severe financial losses suffered by the fishing industry, where the catch is down by 50 percent. It is not necessary to point out that the death of Lake Erie would be a virtual death-blow to lake transport as well and to local industry.

If it is not possible for you to make such an inspection trip, I respectfully request that you designate appropriate officials from the

Departments of Health, Education and Welfare, Commerce, Interior and the Army to join me.

With highest regards,

Respectfully,

WILLIAM E. MINSHALL,
Member of Congress.

Mr. BLATNIK. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as was made abundantly clear, factually, and realistically by the gentleman from Texas (Mr. WRIGHT), and by our respected friend and colleague, the gentleman from Alabama (Mr. JONES), we are not only aware of, but quite knowledgeable about, and truly and earnestly sympathetic—and I mean sympathetic—with the plight and the problems existing particularly but not only with respect to Lake Erie, which problems are certainly enormous—monumental and complicated. We agree we should begin to work on this large and complex problem, but we cannot approach it on a scale as large as that proposed by the gentleman's amendment.

In fact, I urge this body to vote down the amendment, in a friendly and understanding manner, with the understanding that a subsequent modified version will be worked out by the gentleman and his colleagues from Ohio and members of the committee and staff, and which will then be submitted to the House for consideration. I am confident that a proposal application to all the Great Lakes, and in line with the general provisions of the mine-acid pollution section is worked out, that we can agree to such an amendment and work on the Lake Erie problem can be gotten underway, as well as work on remedying pollution problems elsewhere on the Great Lakes.

I do urge that this amendment be defeated and that the gentleman from Ohio be recognized next to submit the modified amended version.

Mr. McCARTHY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as a member of the Public Works Committee from a district on the shore of Lake Erie I feel compelled to speak on the amendment offered by the gentleman from Ohio.

I have cosponsored the bill which the gentleman from Ohio offered. And I am very hopeful that the committee, after this valuable debate, will seriously consider the gentleman's bill and hopefully will hold hearings, possibly on the shores of Lake Erie. I believe we need the bill.

In response to the gentleman from Alabama, while we certainly want to clean up all the streams in the country there are some pollution disaster areas. Just as in the Appalachian approach we recognize there are depressed areas in the United States, so also there are acute disaster areas in terms of pollution.

We have a crisis here, a national crisis which really affects our viability and our future as a society, in terms of pollution.

I do not see how we are ever going to really deal with this program until we reorder our national priorities.

This committee has done a tremendous job, I believe, under the leadership of our distinguished chairman and the chairman of the subcommittee, the gentleman from Minnesota. We have brought excellent legislation to the floor and seen it passed. Today's bill is another major step forward.

As the gentleman from Texas said, a billion dollars has been authorized for next year for a nationwide attack on pollution, yet the Bureau of the Budget comes in with a recommendation for $214 million. That is about 20 percent.

We should contrast that by just taking one item from the budget for the Department of Defense, for germ and gas warfare, $350 million. Many items in the chemical and biological category we never even voted on knowingly. They are effectively buried in the Defense budget. Now contrast that $350 million with bills passed by the other body and by the House unanimously, to attack this crisis of water pollution, and we see how inverted are our priorities.

We do not have the money. Where is the money going to come from? One way is somehow to come to grips with the gargantuan defense budget in an effort to realistically and prudently trim it back so that we have some resources to utilize in an attack on these grave domestic problems.

I can assure the Members, coming from Buffalo, that this is a crisis. This is a major crisis. It affects the future of our area. The same is true for Detroit and Cleveland and all around the lakes. This is of major national importance. And we are putting "peanuts" into this program.

I do not believe, in fairness to the gentleman from Ohio, we can kid anybody and suggest we are going to pass any authorization, because the crunch comes in the Appropriations Committee.

Until we can muster the determination to reorder our national priorities we are not going to attack the problem of water pollution or any of the other urgent domestic problems.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. McCARTHY. I am happy to yield to the gentleman from Texas.

Mr. ROBERTS. I appreciate the gentleman's yielding.

I agree, certainly, with some reorientation of our priorities, but I believe we have overlooked one thing.

When the distinguished gentleman from Ohio was before our committee he testified that the city of Cleveland had passed a $100 million bond issue to help clear up its own sewage problem, but that there were 25,800 able bodied men on welfare. So let us reorient it and do a public works project, where we can let those people work for the city of Cleveland or somewhere else on a public works project, instead of passing out these grants.

I appreciate the gentleman's statement.

Mr. PRICE of Illinois. Mr. Chairman, I move to strike the requisite number of words.

(Mr. PRICE of Illinois asked and was given permission to revise and extend his remarks.)

Mr. PRICE of Illinois. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Ohio (Mr. VANIK). It is identical to the bill that I and a number of others are cosponsoring with him. Our growing concern about the Nation's pollution crisis is the basis for this action, and it is our hope that the amendment will be adopted.

Ample evidence has been presented to show the need for the disaster pollution fund. The California oil leak disaster, still fresh in everyone's mind, and the increasing pollution of the Great Lakes, and the Mississippi River are prime examples of the need for emergency action. It should be noted, too, as the gentleman from Ohio has pointed out, that the pending amendment does not waive the polluter's liability; it merely makes available the needed funds to get the job done.

Some may argue that $100 million is too much money, that the budget cannot stand it. Well, I think it is time to reflect on what we want this country to be. If we can spend $80 billion a year on defense, we can certainly afford to authorize an additional $100 million to protect our air and water—the two essential ingredients for sustaining human life. It is an investment that will reap dividends far beyond the original cost. The quality of human life is at stake here, and it is ridiculous to put a ceiling or price tag on it.

One other point should be discussed. Last month in testimony before the House Public Works Committee the gentlemen from Ohio brought out some very interesting statistics, indicating that an inordinate number of water pollution control grants were going to less populated areas. I have no argument with those areas receiving equitable amounts of Federal assistance, but I do object to the fact that our populated areas are shortchanged in the process. Gentlemen, we live in an urban society; over 70 percent of our people live in urban areas. It would stand to reason that our populated areas must be served adequately and effectively.

The basic purpose of the amendment is just that. To protect and to reclaim our air and water so that our growing urban population can enjoy these vital resources.

Mr. WALDIE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I had intended to offer an amendment, but on discussing this with the members of the committee I have refrained from doing so.

However, I wish to call the attention of the Committee to a problem that I think has not been sufficiently dealt with in this particular measure under consideration. This is the problem of controlling the influx of salt water into fresh water bodies and particularly into estuarine systems.

The existing act already indicates the national intention to designate these waters as deserving and worthy of considerable protection, but there is nothing in the act which deals with the threat to an estuarine area jeopardized by the intrusion of salt water—an intrusion of salt water into an estuary means there is a major decrease of inflow of lifegiving fresh water into the estuary—there is nothing in this act which determines that that decrease of fresh water flow into the estuary constitutes a pollution of the estuary and a lessening of the water quality in the estuarine system.

I can suggest to you that in San Francisco Bay, for example, where the proposal is to divert 80 percent of the only fresh water flow into San Francisco Bay and to divert it to other uses before it gets into the estuarine system, the problem will be not only a remarkable diminution in the beneficial aspects of the estuary, but the very great area of that estuary will be reduced to a minimal size because of the reduction of 80 percent of the fresh water inflow and the increase in the intrusion of salt water from San Francisco Bay into that system. This intrusion of salt water and reduction of fresh water, will practically destroy the existing estuary. In addition, the ability of the San Francisco Bay water system to dispose of the pollutants placed into that system will be remarkably diminished because of the decrease in the oxygen content in San Francisco Bay, which is a necessary factor in the reduction of wastes transported into water systems. The oxygen in San Francisco Bay is only found in the fresh water that flows into the bay, and if the oxygen is diminished further by a reduction of 80 percent of the present fresh-water flow in the bay, then this means that you will diminish the ability of the water in the system to oxygenize the wastes transported into that system by a considerable amount. So you will add to the pollution by permitting salt water intrusions by reason of the diminution of the fresh water flows and their oxygen contents.

Mr. Chairman, I am suggesting considerable attention should be given to the possibility of requiring the respective States and not permitting them to, as is the case in the present act, but requiring them to adopt as a water quality standard a criteria that affects all of the estuarine systems within their particular borders as it involves salt-water intrusion. This would not be a remarkably difficult thing for the State to do and would be consistent with the indication of Congress that the estuaries are deserving of protection in order to preserve the water quality of these bodies of water. It would also be consistent with our desire to preserve existing water quality and with our belief that pollution of existing water quality simply means a deterioration of existing water quality by active dumping into that water of pollutants or by an indirect action of depriving that water body of a fresh water flow into the system itself.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. VANIK).

The amendment was rejected.

AMENDMENT OFFERED BY MR. STEIGER OF WISCONSIN

Mr. STEIGER of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STEIGER of Wisconsin: On page 65, strike all from line 21 through line 25 on page 72.

(Mr. STEIGER of Wisconsin asked and was given permission to revise and extend his remarks.)

Mr. STEIGER of Wisconsin. Mr. Chairman, the gentlewoman from Oregon (Mrs. GREEN) raised with the committee some questions regarding this section of this legislation. The provision now before us which my amendment would strike is a provision which was incorporated in separate legislation and which the Committee on Public Works decided to make a part of this bill. Its major sponsor is my distinguished colleague and friend, the gentleman from Florida (Mr. CRAMER), and therefore, I have some hesitation about entering into this field at this time to raise some questions about what I recognize is a very critical need—how we train personnel, how we bring them into the antipollution treatment field, and how we bring in the quality and numbers of those who are to operate and man the sewage treatment plants which this country so desperately needs.

But, Mr. Chairman, this provision of this bill would propose that over the next 3 years we authorize $62 million, and we are going to authorize it in such a way that, in my judgment at least, we are opening up serious questions as to the efficacy and the viability of a program of this kind without adequate safeguards which have been made applicable to other kinds of training programs which are available.

Mr. Chairman, the gentleman from Florida inserted in the RECORD yesterday at page H2605 a detailed analysis of the manpower requirements which would be involved in this program.

Let me suggest to the Members that in part that answers some of the questions which are raised by this amendment. There are two major problems with our present effort. One of them is the fact that we are not training enough people. The other is that we are not adequately inducing those in other fields to enter the water pollution field. Well, let me run through this.

First of all, FWPCA, according to this information, has already been awarded a grant of something like $1,032,000, a grant under the Manpower Development and Training Act for the training of waste treatment operators; that is, those in the waste treatment field who are now employed in waste treatment plants.

Second, it has entered the camps system which will for the first time, according to this information, make it possible to offer the opening for the training of those who are not currently employed as operators.

Third, there is no limitation that you have to train only those presently employed in this field.

Fourth, there is a rather significant program, one which represents several millions of dollars, called the new careers program which makes available the training of people for upgrading their skill in areas of public service. Clearly waste treatment operators would be, in my judgment at least, one of those fields that would be eligible for new careers funding. Therefore, I question whether or not the committee has determined whether that would be available to them.

Last, let me say—before I yield to the gentleman from Iowa, as I see him on his feet and shall be glad to yield to him shortly—I have some serious questions simply with reference to the language itself.

We are here making awards for scholarships. Are we to award them for waste treatment operators only but not to sanitation engineers?

Second, there is the question of the definition of "institution of higher education." Yet the report in the RECORD of yesterday clearly indicates that the major thrust will be in 2-year colleges for this type of training.

Third, we are making the grants available on a consistent basis with those for other comparable programs.

I am not quite sure what that is except that I am guessing, based on information available, that it is going to cost $1,000 per year for students at all levels, which is the amount used in calculating the total amount to be authorized.

In all of this I want to make it clear to all of the Members that I am concerned and recognize the need for the training of personnel for treatment plant operators. I doubt seriously that this is the method that ought to be used. It is for that reason that this amendment is offered, in order to perhaps get some clarification or find out if there are some facts which are not now available.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KYL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have an amendment at the desk which is exactly the same as that offered by the gentleman from Wisconsin. We are rapidly approaching a point at which our student-aid program in institutions of higher learning is categorized subject matter. It has been too much proliferated.

Mr. Chairman, the general education funds available to our college students will be cut this year far below the point that I would like to have them cut.

In evidence of good faith, insofar as education generally is concerned, I would say that if this amendment offered by the gentleman from Wisconsin is adopted, I will then, when the general college aid program comes before us for debate, seek to add as much to that program as we take out of this one.

I doubt that this bill provides the way we should approach the problem of finding personnel. I rather believe that when the salaries for the positions about which we are talking here reach the point where they should be, commensurate with their importance, that we will have a suffiicient number of undergraduate and graduate students in training for those jobs.

Mr. Chairman, there is one further point. Categorical subject matter grants to college students in the past have not proved that they fulfill the purpose for which they were established.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. KYL. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. I appreciate the gentleman from Iowa yielding to me. I certainly would join the gentleman from Iowa in urging that when we have the higher education programs before us, that we make provision for this. I believe it would make sense.

I would join with the gentleman from Iowa in that approach.

Would the gentleman from Iowa be willing to perhaps join with me in suggesting that our problem is that the salary level may be less than a college-trained person may be interested in, so that the inducements in this bill are not guarantees that they are going to go into the field and stay there? Also that those who could go into this field are eligible now for work study programs, for scholarship, and loan provisions, which are applicable to all college students, even those who are training in this field?

Mr. KYL. I would further state, Mr. Chairman, that in the State of Iowa, where we have more complete sewage treatment plants in our municipalities than in any other State of the Union, we have not had exceptional difficulty in finding qualified people to run those plants.

There is nothing magical about the operation of these plants any more than any other kind of industrial facility. It certainly does not take a specialized college education. That is not where this training ought to be placed. We do need more science students in the field of eutrophication, and other allied fields connected with the business of antipollution, but when we get the salaries for those positions to the point they should be we are not going to have any trouble finding students to go into that field of education.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. STEIGER).

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 7, noes 29.

So the amendment was rejected.

AMENDMENT OFFFERED BY MR. VANIK

Mr. VANIK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

AMENDMENT OFFERED BY MR. VANIK

On page 65, after line 20, insert the following:

"GREAT LAKES WATER POLLUTION CONTROL DEMONSTRATIONS

"SEC. 20. (a) The Secretary, in cooperation with other Federal agencies, is authorized to enter into agreements with any State, political subdivision, interstate agency, or other public agency to carry out one or more projects to demonstrate new methods and techniques and to develop preliminary plans for the elimination or control of pollution, within all or any part of the watersheds of the Great Lakes. Such projects shall demonstrate the engineering and economic feasibility and practicality of removal of pollutants and prevention of any polluting matter from entering into the Great Lakes in the future and other abatement and remedial techniques which will contribute substantially to effective and practical methods of water pollution elimination or control.

"(b) Federal participation in such projects shall be subject to the conditions—

"(1) that the State, political subdivision, interstate agency, or other public agency shall pay not less than 25 per centum of the actual project costs which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, personal property, or services, the value of which shall be determined by the Secretary.

"(c) There is authorized to be appropriated $20,000,000 to carry out the provisions of this section, which sum shall be available until expended."

And renumber succeeding sections and references there to accordingly, including any other necessary technical amendments.

Mr. VANIK (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The CHAIRMAN. The gentleman from Ohio (Mr. VANIK) is recognized.

Mr. BLATNIK. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I yield to my distinguished chairman, the gentleman from Minnesota.

Mr. BLATNIK. Mr. Chairman, as I stated earlier after consultation with the author and several of his colleagues from Ohio and our own committee, we now have a modified version of his initial amendment which provides for a 20-year program of all Great Lakes water pollution control demonstration. This is consistent with other provisions in water pollution control legislation which treats the Great Lakes as an entity and it is very similar to the acid mine drainage proposition.

So we do accept the amendment and urge its adoption.

Mr. VANIK. Mr. Chairman, I would like to point out that the amendment I have submitted provides a $20 million authorization for Great Lakes demonstration projects to develop techniques and preliminary plans to remove polluted matters and abate new pollution. It is cosponsored by my distinguished colleagues, the gentlemen from Ohio (Mr. HARSHA) who is a member of this distinguished committee and Mr. FEIGHAN. I now yield to my colleague from Ohio.

Mr. HARSHA. Mr. Chairman, I certainly want to join the distinguished gentleman from Ohio in offering this amendment and in support of this effort.

Certainly the Great Lakes situation is one of dire need and demands special attention.

We do have in this bill provision for some demonstration projects in the lake area. But this is of such a severe nature and the need is so great, I think it merits pinpointing and placing additional emphasis on the dire situation in the Great Lakes area.

Mr. Chairman, the gentleman from Ohio appeared before our committee and gave very persuasive testimony of the needs of Lake Erie and other Great Lakes. He pointed out in succinct terms the unfortunate condition that exists there. He has discussed this grave problem on several occasions with me and other members of the committee, imploring the committee to take positive action to help alleviate this tragic situation that exists in Lake Erie. And it was through his leadership that we have devised this amendment.

I might add that Mr. FEIGHAN has likewise discussed this problem with me a number of times and has arranged meetings with interested industry in an effort to help resolve this pressing problem.

Mr. Chairman, I also would like to call to the attention of the Congress that Mr. MINSHALL from Ohio has likewise expressed deep concern over Lake Erie and requested the committee and me to assist him in finding solutions to the situation.

Lake Erie is a great natural resource and an avenue for extended commerce, as are all of our Great Lakes, and unless we take positive immediate action to preserve them we may lose them. I congratulate the gentleman from Ohio (Mr. VANIK) on his leadership and am happy to join him in cosponsoring this amendment. I urge the committee to adopt it.

(Mr. HARSHA asked and was given permission to revise and extend his remarks.)

Mr. FEIGHAN. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I yield to the gentleman, my distinguished colleague from Ohio.

(Mr. FEIGHAN asked and was given permission to revise and extend his remarks.)

Mr. FEIGHAN. Mr. Chairman, I wholeheartedly rise in support of the amendment which I cosponsored with the distinguished gentleman from Ohio (Mr. VANIK). The situation involving the Great Lakes, and particularly Lake Erie, has been one which has given me a great deal of concern over the last several years. I have consistently urged this distinguished committee which has reported this bill, the Committee on Public Works, do whatever is humanly possible to expedite action for the resolution of the problem affecting the Great Lakes. I appreciate all of their efforts to date and I also appreciate the fact that the amendment which is being proposed here which would authorize a sum of $20 million to be used to direct the Secretary of the Interior in cooperation with other Federal agencies and all State and local agencies to carry out meaningful demonstration projects for the elimination or control of pollution within the Great Lakes and the watersheds adjoining thereto will be accepted by the committee.

I would hope that all those interested in resolving the problem involving five of the great natural wonders of the world will cooperate in this effort and that as these demonstration projects are worked out and point the way toward a final resolution in cleaning up the waters of the Great Lakes that this Congress will and it must, I believe, find the funds sufficient to fully accomplish that purpose in the immediate future.

Mr. DINGELL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise to direct the attention of my good friend, the gentleman from Minnesota (Mr. BLATNIK) to several points that I would like to discuss with him with regard to language appearing on page 74.

If I may have the attention of my good friend, I would like to raise some questions with regard to the points raised by our good friend, the gentleman from New York (Mr. STRATTON) in his recent colloquy.

I would not like the RECORD of the debate on this particular proposal to indicate that there is no power here in the Federal Government and the State government under this legislation and under Public Law 660, as amended, for there to be adequate action where there is a proposed construction of a thermal releasing generating plant which will release thermal pollution into our waterways. I note particularly lines 7 through 11 on page 74, which deal with the question, and I note here that it states as follows:

In any case where such standards have been promulgated by the Secretary pursuant to section 10(c) of this Act, or where a State or interstate agency has no authority to give such a certification, such certification shall be from the Secretary.

My question to my good friend is as follows: Am I not fair in inferring that where a State has not acted to establish standards regarding thermal pollution, or where its water quality standards have not been submitted to the Secretary, or where they have not been approved by the Secretary because of failure to adequately cover the problem of thermal pollution, then the Secretary becomes the licensing agency, and in effect requires compliance with water quality standards not only by the person who would be constructing the plant but also by the other Federal agencies which would be authorizing some kind of license for construction of either a thermal or a thermal-nuclear plant? Am I correct in my understanding?

Mr. BLATNIK. The gentleman is absolutely correct. We do agree with his interpretation of that language.

Mr. DINGELL. The point raised by my good friend from New York (Mr. STRATTON) has troubled me for some time. One of the things I have been interested in is the generating plant to which he alluded. I wonder if it will be possible for the Committee on Public Works to request the staff of that very fine committee, the very able staff, to go into this matter to ascertain whether the provisions of Public Law 660 regarding the establishment of water quality standards appropriate to preserve the quality of water are being adequately handled by the State of New York.

Mr. BLATNIK. We certainly shall. We assure the gentleman that we are well aware that thermal pollution is not only a serious problem, but it is growing in seriousness and magnitude year by year because the heavy demands for power are outpacing our control. I assure the gentleman and the gentleman from New York who presented the amendment that the staff will give us a full, detailed report on the status of thermal pollution abatement control in the State of New York and elsewhere, because this is an area that we want to get into and can get into.

Mr. DINGELL. The reason I have taken this time is that I have been particularly concerned with the situation to which my friend from New York alluded. I am satisfied that if the staff of the committee goes into this matter, we will have an adequate and proper report to assure that the situation to which our friend from New York alluded is being properly handled by all agencies concerned, both State and Federal. I thank my good friend from Minnesota.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. VANIK).

The amendment was agreed to.

Mr. BLATNIK. Mr. Chairman, I yield to the gentleman from Massachusetts (Mr. KEITH) with the explanation for the record that we have unintentionally made things extremely difficult for him. He has had a commitment for the past 2 hours, so I am pleased to yield to the gentleman from Massachusetts.

Mr. KEITH. Mr. Chairman, I appreciate that consideration very much.

The CHAIRMAN. For what purpose does the gentleman from Massachusetts rise?

Mr. KEITH. Mr. Chairman, I rise to ask questions to establish some legislative history as to the purpose and meaning of the bill.

The CHAIRMAN. The gentleman is recognized.

Mr. KEITH. I note that in the bill the Secretary is given authority to establish ways and means of overcoming the problem of oil pollution. I notice further that $65 million is authorized, among other things, for research to determine how pollution may be avoided. I am concerned particularly with oil spills such as that which occurred off Santa Barbara. In July of 1967, I filed a bill which would have established a marine sanctuaries concept. It would have authorized the Secretary of the Interior to study certain ocean areas and determine whether or not their best possible use might be fishing or perhaps even recreation rather than for oil exploration and exploitation.

Officials of the Department of Interior testified then that they did not have sufficient funds to study this so-called marine sanctuaries concept. So I ask, is the legislation before us sufficiently broad to permit the Secretary of Interior to study the relative merits of the alternative uses of marine areas which fall under Federal jurisdiction? Can the Secretary of Interior study specifically whether or not the ocean off Cape Cod would be more advantageously used for recreation rather than for oil exploration and exploitation? I might point out that Cape Cod and the Santa Barbara channel have very much in common. My hope is that we can study the off shore area of Cape Cod and present the problem that exists now off the shore of Santa Barbara from ever occurring there. If I could, I would like to have the chairman comment on that.

Mr. BLATNIK. Mr. Chairman, we have discussed this problem with the gentleman. It is a very pertinent problem. It is pertinent to the legislation we have here.

While the language may not on the surface appear at first glance to cover the problem, on page 77, beginning with line 3, we deal not only with research work and studies and experiments and demonstrations as the Secretary may deem appropriate relative to the removal of oil, but also with the prevention—and we use that word. It certainly was the intent of the committee to give perhaps more latitude than the language itself may imply. Speaking for myself, after consulting with our general counsel, chief counsel of our committee, the answer would be "Yes." The intent is certainly there and we believe the language can be interpreted to cover the problem the gentleman raises.

Mr. KEITH. Mr. Chairman, I have one additional question. Can the Secretary similarly study whether or not the Georges Bank area is more valuable for fishery purposes rather than oil exploration? In this case we have fishery resources versus oil rather than recreational purposes versus oil.

I would like the Secretary to study whether or not it is better for that purpose rather than oil exploration and exploitation.

Mr. BLATNIK. Mr. Chairman, I yield to the ranking minority member on that.

Mr. CRAMER. Mr. Chairman, I am sorry it took so long to get to these questions, because they are important.

I think an important additional answer to the first question of the gentleman is that the Secretary of Interior does have jurisdiction to issue licenses for exploration. It is my opinion certainly he has the authority, prior to doing that, to determine whether in a given area it should be used for fishing or oil, and make whatever studies are necessary, such as the gentleman suggests, off the coast of his district, to determine whether that present fishing ground should be maintained as a fishing ground and therefore oil exploration licenses should not be granted. That is a necessary condition precedent to granting any permit to exploit for oil purposes.

Mr. KEITH. Mr. Chairman, I thank the gentleman very much. Yesterday, he, the gentleman from Florida (Mr. CRAMER), very kindly commented on my foresight in regard to the Santa Barbara incident.

As I said earlier, I have been very much concerned about the whole question of oil pollution, particularly as it pertains to our coastal waters.

We first became concerned in my district some time ago after fishermen returning from their grounds reported that acres of dead fish had surfaced as a result of the seismic tests being used by oil exploration teams. Now, after the alarming tragedy off Santa Barbara, we are more concerned than ever as the prospect of oil rigs someday rising from the waters off Cape Cod continues to grow.

Mr. Chairman, as a result of the legislative history we have written here today, I will write to Secretary Hickel asking him to begin at once to study and protect the aesthetic values of the Cape Cod shoreline and the fisheries resources of Georges Bank.

May I mention in passing that fish conservation as related to this bill is also a problem. At this moment in the waters off Cape Cod, the problem is not only pollution, although the threat of it, of course, hangs over us constantly There is another perhaps even more serious: fishermen's nets no longer bring up haddock as they did in the past.

Time magazine has made the crisis clear in its issue this week:

In New England fishing states, the total share of the catch to local fishermen dropped from 93% to 35% in the last recorded five-year period. Much of the reversal was due to those well-equipped, hungry Soviet fishermen, who, in 1964–65 virtually depleted the Georges Bank area of haddock in just one expedition.

And so Mr. Chairman, clean water is not enough; we must also begin to manage our fisheries resources better.

Getting back to this legislation, there are some other aspects of the bill before us today on which I would like to comment.

I am glad to find that under H.R. 4148 the Coast Guard has been given the authority to deal with the whole pollution problem.

I know when I went to look at the *Ocean Eagle* disaster in Puerto Rico and I asked who was in charge of the clean-up operations, the port captain, a Coast Guard officer, looked around the room in which several interested parties were gathered and said, "Well, I suppose I am." This illustrates the lack of organization, the fuzzy areas of command which have existed until now and which this bill seeks to eliminate.

May I say further that section 18 is a good answer to the question of pollution from small boats. But I would like to emphasize that regulations and standards should not be written without lengthy consultation with the boating industry. The economic costs involved and the limits of available technology cannot be determined without consultation with those who know most about them—the boat manufacturers and owners.

And, too, these are people who are vitally interested in preserving marine ecology. After all, they are also fishermen who want clean water to fish in, sailors who want clean water to sail in, and occasion swimmers who want clean water to swim in.

Also, Mr. Chairman, section 20, calling for assistance to institutions of higher education in their efforts to study water quality, goes to the heart of what's been missing for some time—and ongoing supply of the most up-to-date information about pollution and its clean-up. I commend the committee for making certain that this provision was included.

There are some weaknesses in this legislation, of course, and I am sure that we can all name one or two of them. But on balance it is an excellent step toward a solution to what we all know is an extremely complicated problem—how to control the pollution of our natural environment.

In the future, let us hope that we can also consider farseeing conservation legislation. We cannot only react to crisis. We must also plan well ahead if we are to keep the possibility of a bright future before us. And so, Mr. Chairman, I want to join with my other colleagues in congratulating the committee for facing up to the serious matter of water quality control. It is something which has been crying for attention for years.

AMENDMENT OFFERED BY MR. HUNGATE

Mr. HUNGATE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HUNGATE: In section 18(f), page 59, line 8, after the words "waters of such State", insert a period and strike the remainder of line 8, and line 9.

(Mr. HUNGATE asked and was given permission to revise and extend his remarks.)

Mr. HUNGATE. Mr. Chairman, I thank the distinguished committee and my colleagues for the consideration they have given this very important question.

I have an amendment offered on page 59. If the chairman and members of the committee will check this, it seems to me it reads a State may prohibit discharge of untreated sewage from a vessel in intrastate waters in a State only if discharges from all other sources are prohibited. This would mean, as I read this bill, and going back to page 57 and commencing on line 13, section (c)(1), that within 2 years or not earlier than December 31, 1971, new vessels will have to be equipped with machinery to treat sewage that they discharge into the water. Existing vessels would have 5 years in which to perfect some sewage treatment program.

This means that for a period of 2 years on new vessels or 5 years on existing vessels raw sewage could be discharged from the vessels into intrastate waters.

As I understand it, sewage can be discharged raw; can be discharged after primary treatment, which is a little better; or can be discharged after secondary treatment, which is better still.

According to the way this bill now reads, as I read it, if there is a village or a hamlet or a city or a factory located along an intrastate stream or an intrastate lake which has the highest form of treatment, secondary treatment, one could not regulate vessels discharging untreated sewage into that intrastate lake or stream for a period of at least 2 years in the case of new vessels or 5 years in the case of existing vessels.

To me, to put a "period" there, to permit a State to prohibit this discharge of untreated sewage from a vessel within all or a part of the intrastate waters of the State would mean they could regulate that, whereas now they cannot do so unless they also eliminate any factories along the bank which have a high level of treatment, like secondary, or any small cities or villages that might have secondary treatment.

My amendment would permit a State to regulate the discharge of untreated sewage from a boat within this 2- or 5-year period to which I have alluded. Otherwise they would not be able to do so unless they excluded the discharge of all sewage into that stream even though it had secondary treatment.

This would raise the water quality standards, and I urge support for my amendment.

[Mr. BLATNIK addressed the Committee. His remarks will appear hereafter in the Extensions of Remarks.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. HUNGATE).

The amendment was rejected.

Mr. PEPPER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, if I may have the attention of the able gentleman from Texas, a member of the committee (Mr. WRIGHT), let me say first of all that I wish to commend the distinguished committee for bringing this measure to the floor of the House.

It so happens that I have at least 20 miles of beaches in my congressional district, most of which are occupied by hotels and motels. If the operator of a vessel were either willfully or negligently to drop oil from that vessel into the water and this oil would be pushed ashore by waves and winds, this could do a great deal of damage not only to the beaches but to the private institutions that operate along them. I wish it were possible for the bill to have covered damage to private property as well as to the beaches and the shorelines, but I do realize that you would have had problems in including such a provision in this bill.

I wish to direct the attention of the able gentleman to page 52, beginning on line 16, where it says:

"(i) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel or onshore facility or offshore facility under any provision of law for damages to any publicly or privately owned property from a discharge of oil or matter or from the removal of any oil or matter.

Am I correct in assuming that your able committee did not intend by that provision of this bill to impair, diminish, or enlarge in any way any private right that the public owner of a facility or the private owner of a property might have in order to recover damages under the general law other than by the provisions of this bill?

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. PEPPER. Yes.

Mr. WRIGHT. The gentleman is entirely correct. The purpose of this section cited by the gentleman from Florida is to protect the private right to recover damages exactly as it exists today. This bill—while it creates maximum liabilities and requires proof of financial responsibility on the part of vessels, of onshore and offshore facilities, in amounts adequate to reimburse the Government for any claim that the Government may be required to undertake as a result of negligent or willful discharge—this bill does not seek to alter, modify, or change or diminish or enlarge in any respect the responsibilities that one individual or one firm may have under the law to some private individual damaged by his negligence.

Mr. PEPPER. I thank the very able gentleman from Texas.

If he will allow me one other inquiry under another subject he mentioned, referring you to page 53, where it says that the owner of a vessel is required to maintain assets and—

Shall establish and maintain under regulations to be prescribed from time to time by the appropriate delegate of the President, evidence of financial responsibility to meet the maximum potential liability to the United States which such vessel could be subjected under this section for willful or negligent discharges of oil or matter.

Now may I ask the able gentleman from Texas this question: It is not, as I understand it, the intention of this distinguished committee to provide that these assets that you require to be made available and maintained by the owners of the vessels shall be subject only to a claim of the United States? They are general assets, if I understand the situation correctly, of the company that operates the vessel, and they would be liable to satisfy a judgment of a private owner claimed in private litigation as well as to satisfy a claim by the U.S. Government for the removal of oil or the matter to which I have previously referred?

Mr. WRIGHT. In response to the gentleman from Florida, if I understand the gentleman's question, it presupposes a condition in which the owner of a vessel might spill oil or other matter and be required by the Government to reimburse the Government for the cost of that spillage. It also raises the further proposition that perhaps such spillage may have caused damage to a third party, a private party, and a third party might bring suit in a court to recover those damages.

I would say that the purpose of the bill is simply to require evidence of financial responsibility in an amount adequate to compensate the Government for the maximum amount to which the individual might be liable for reimbursement of a claimant. However, it would be my assumption that these assets, as any other assets owned by the firm or the individual involved after the satisfaction of any claim to the Government would be liable to a judgment of a court of competent jurisdiction in a suit by a person damaged other than the Government.

Mr. PEPPER. I thank the able gentleman for his response to my questions.

AMENDMENT OFFERED BY MR. PUCINSKI

Mr. PUCINSKI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PUCINSKI: On page 79, after Line Seven (7), the following:

"SEC. 9. Section 4 of the Act entitled 'An Act to make appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes,' approved March 3, 1905 (33 U.S.C. 419), is amended by adding at the end thereof the following: 'Nothing in this section, or any other provision of law, shall authorize the Secretary of the Army or any official or any agency of the Government to dump or permit the dumping of the spoil from any dredging operation, or any other earth, garbage, or refuse material, into the Great Lakes. Any authorized dumping areas in the Great Lakes established under the provisions of the Act of March 3, 1905, or any other Act are hereby abolished.' "

(Mr. PUCINSKI asked and was given permission to revise and extend his remarks.)

Mr. PUCINSKI. Mr. Chairman, this is a simple amendment, yet it is broad and far-reaching. It repeals the act of 1905 when the Congress of the United States designated about 120 dumping areas in the Great Lakes for use by the Corps of Engineers.

In 1905 that was a perfectly logical and good move. They were dredging from the rivers and harbors and canals relatively clean silt mostly involving sand, and it did not affect anyone and did not create any problems. But in 1969 we have an entirely different matter.

We have heard here today and heard yesterday the distinguished gentleman from Minnesota (Mr. BLATNIK) tell us that it would perhaps take hundreds of millions of dollars to save Lake Erie. I do not intend to let that happen to Lake Michigan or any other of the Great Lakes if I can prevent it.

Mr. Chairman, this amendment, if adopted, would not bar the Corps of Engineers from dredging. I realize that they have to dredge. Of course, they have to keep these rivers and harbors and canals free for navigation, and I do not propose anything to interfere with or stop that. What we are saying is that the Corps of Engineers will have to find other ways of disposing of the dredging and there are other ways of doing it.

Last year when I asked the Commanding General of the Corps of Engineers whether or not he would be for this amendment to bar the dumping of dredged materials into Lake Michigan and other Great Lakes, he said "Yes, we would be for this amendment if you would find us funds for alternate methods."

They have alternate methods.

So what we are really talking about here now is money. We are not stopping anybody from doing anything. And as the Members of the House have said on many occasions since President Nixon has been in the White House, there is going to be a revision of priorities. I agree—and one of those revisions of priorities happens to be in the Corps of Engineers.

If the Members of the Congress will go along with this amendment and bar the dumping in the Great Lakes by the Corps of Engineers of dredged materials and other materials, then the Corps of Engineers will find other methods to handle this material. They have those methods now. They are using other methods.

Just the other day they stopped dumping off the shores of Chicago, and they plan to dump this dredged material on land. In many other cities they are building dikes and filling them with such material.

I want to emphasize here, because the opponents of this amendment are going to try to confuse you and say that if this amendment is agreed to, all dredging is going to stop tomorrow. Nothing is going to stop tomorrow except the polluting of Lake Michigan, because the Corps of Engineers has a whole series of alternate methods available to them.

And I suggest to the Members, and I submit to the Members, that whatever the additional costs will be—and it has been estimated that it would cost some $100 million if they would have to cease the dumping of dredged materials into the lakes and go to a land fill process operation—I am sure that is a fair price to pay.

The only people who are objecting to my amendment are the barge owners who today are hauling this stuff out into the Great Lakes and dumping this material, and polluting the lakes.

Mr. Chairman, I have some reason to believe that these barge owners are not even going all the way out to the designated areas, because the authorized areas are not marked off, there are no buoys around them, or anything else, to designate these areas. I have reason to believe that some of these barge owners are not even going to these designated areas, as I say, but are going just halfway, and dumping the stuff helter skelter in the Great Lakes.

Further, Mr. Chairman, since 1905, when this legislation was adopted, the floor of Lake Michigan alone has risen 10 feet. Lake Michigan formerly was 113 feet deep, and today it is 103 feet deep.

So, Mr. Chairman, I ask my colleagues to join me in taking the first determined, deliberate move. I call upon the courage of the Members to support this amendment, and to say to the Corps of Engineers that we cannot get everybody else to enforce antipollution laws if Uncle Sam is going to be the No. 1 polluter.

We have evidence, and ample evidence, in the reports on that desk, to show the degree of pollution that the Corps of Engineers is dumping into Lake Michigan. The amendment offers us a means to try to save the Great Lakes, and not go the route of Lake Erie.

We heard the eloquent plea of the gentleman from Ohio (Mr. VANIK) telling us about what has happened to Lake Erie. We have heard from the gentleman from Minnesota, who has told us why it happened.

I do not want to challenge the statement of the gentleman. I think I have to agree with him. It was purely neglect on the part of a lot of people that killed that lake.

So I say to my colleagues who are on the floor of the House at this moment, if you really want to give meaning to this act—if you want to save one of the greatest natural resources of mid-America—then you will support this amendment.

Mr. BLATNIK. Mr. Chairman, I rise in opposition to the amendment.

(Mr. BLATNIK asked and was given permission to revise and extend his remarks.)

Mr. BLATNIK. Mr. Chairman, again I must use the same phrase, and I hope it does not sound trite, because it is said as absolutely sincerely as it is humanly possible for one individual to say it, and that is that we are completely in sympathy with the problem presented by the gentleman from Chicago, but all of us who come from the Great Lakes, or all of those in whose districts are the mouths of rivers, where this type of pollution occurs, where there is a discharge into a bay, or into an ocean, or into a gulf, are faced with this problem.

But this has been one heck of a problem. There is not going to be an easy answer. We could appropriate $200 mil-

lion right now and the Corps of Engineers would still have difficulty in dealing with this problem.

Probably the one subject that came up the most often during our hearings was the question of the disposition of dredged spoil in the Great Lakes, and more specifically, in Lake Erie and Lake Michigan, and, I might add, no subject gave us more concern during our discussions in drafting this legislation which we have brought to the floor.

Disposition of dredged spoil is currently the most highly publicized of the possible sources of pollution from a Federal activity. Research is underway seeking to determine whether dredged spoil is in actuality an active pollutant and, if it is, to what extent its introduction into any given body of water does in fact lower the quality of that water. In addition, the Corps of Engineers and the Federal Water Pollution Control Administration are conducting a pilot study to determine alternatives to open lake disposal. A draft of the tentative report on this study was sent to the Governors of the Great Lake States and to other appropriate Federal agencies earlier this month. As evidence of our very real concern in this matter the Committee obtained a briefing on this subject from the reporting agencies several weeks ago. We would hope to receive the report and the Administration's recommendations based on the report at an early date.

Whatever the answers are, the continuing viability of the rivers and harbors that produce the spoil are essential to the economics of the region they serve and hence to the total national interest.

For over 100 years the Congress of the United States through River and Harbor Acts has authorized the U.S. Army Corps of Engineers to build and maintain the harbors and waterways of the Great Lakes through wthich flow the commerce of the Great Lakes, so vital to the strength and prosperity of this Nation.

The vast water area of the Great Lakes, joined by improved connecting channels, provides a low cost transport artery that permits movement of material and products in huge quantities to advantageously located industrial areas. In the calendar year 1967, waterborne commerce at Great Lakes harbors and channels totaled 217.2 million tons of traffic. Controlling depths in both upbound and downbound connecting channels are 27 feet or more.

The Great Lakes are connected with the Gulf of Mexico by means of 9- to 12-foot barge navigation on the Illinois Waterway and Mississippi River. Connections with the Atlantic Ocean are provided by the New York State barge canal system and Hudson River and by the 27-foot St. Lawrence Seaway.

In order to maintain this great economic area with its marvelous waterway system, it is necessary to dredge about 10.8 million cubic yards of material each year from Great Lakes harbors; 6.7 million cubic yards from Lake Erie harbors alone. In all, 115 harbors on the Lakes must be dredged, although not all in any one year.

The need for maintenance dredging results primarily because harbors of the Great Lakes are located predominately at the mouth of rivers flowing into the lakes. As a result of waste discharges and soil erosion, heavy sediment loads are carried into the harbors by rivers. Also, littoral drift of bottom material and storm-generated currents redistribute the deposited sediments into previously dredged areas in the form of shoals. This requires periodic maintenance dredging to remove sediments to maintain established navigation depths.

For more than a century most of the dredged material has been placed in disposal areas in the deep water areas of the lakes. In 1966 the Corps of Engineers investigated the possibility of a 4-year program to construct diked disposal areas for the 15 most critically polluted harbors on the Great Lakes. The program was estimated at that time to cost $95,000,000 and the annual dredging costs would have been increased $3,000,000. The magnitude of this cost led to the pilot study to study alternatives to open lake disposal and to evaluate the public benefits to be derived from using the alternate disposal practices.

If open water disposal operations were to be prohibited, restricted, or controlled, as I understand the gentleman's amendment would do, prior to the planned and orderly process now being pursued, the economic consequences will be catastrophic. Trade, commerce, and industry in the United States dependent on our waterways will be severely affected. Railroads, steamship lines, oil companies, steel firms, and other large industrial concerns would be unable to get to or to utilize their dock facilities for loading and unloading cargo at about one-quarter of all ports.

Allow me to include a list of examples of the harbors that would be affected and eventually closed down:

Cleveland Harbor, Ohio.
Toledo Harbor, Ohio.
Detroit River, Mich.
Buffalo Harbor & B.R.C., N.Y.
Saginaw Harbor, Mich.
Sandusky Harbor, Ohio.
Fairport Harbor, Ohio.
Rochester Harbor, N.Y.
Erie Harbor, Penn.
Lorain Harbor, Ohio.
Rouge River, Mich.
Ashtabula Harbor, Ohio.
Calumet R. & H., Ill. & Ind.
Huron Harbor, Ohio.
Monroe Harbor, Mich.
Indiana Harbor, Ind.
Green Bay Harbor, Wisc.
Chicago River & Harbor, Ill.
Conneaut Harbor, Ohio.
Harbor Beach Harbor, Mich.
Oswego Harbor, N.Y.
Milwaukee Harbor, Wisc.
Two River, Wisc.
Grand Haven Harbor, Wisc.
Michigan City, Ind.
Manitowoc Harbor, Wisc.
Holland Harbor, Mich.
Waukegan Harbor, Ill.
St. Joseph Harbor, Mich.
Racine Harbor, Wisc.
Kenosha Harbor, Wisc.
Sheboygan Harbor, Wisc.
South Haven Harbor, Mich.
Frankfort Harbor, Mich.
Menominee Harbor, Mich.

Transporting the spoil to available land disposition sites is extremely expensive; the land is costly and the transportation is costly. In many cases, the States and localities have indicated their preference to preserve their land for more economically productive use. The Federal Government must allocate its available tax revenues among a great many equally vocal public demands. The dilemma is clear; the attainable solutions are dimly seen at this point. This is not the case of one Federal agency trying to circumvent the water pollution control program. This is an out-and-out case of financing appropriately our wants and needs.

Most people would probably agree that the best solution would be the construction of diked disposal areas, which would require a determination that the benefits to be gained would equal or exceed the additional expense. The pilot study should determine this once and for all time. In my judgment, the benefits are there but they must be quantified and a determination must be made as to who shall bear the burden of the considerable additional costs.

I have been advised that additional authorizing legislation is not needed at this time. The basic authority for construction of the diked areas exist. However, money to undertake this expensive proposition at more than a few locations is not available.

Mr. FALLON. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I yield to the distinguished chairman of the committee, the gentleman from Maryland (Mr. FALLON).

Mr. FALLON. Mr. Chairman, I thank the gentleman.

The gentleman from Illinois may have given the membership this afternoon the impression that the Army engineers are the people who are polluting the lakes or the Great Lakes. The impression that you might have been given, that the Army engineers are getting some polluted material someplace and dumping it into Lake Michigan is just not the case. When the Army engineers pick up polluted material, it is polluted already and in the lake when they get there, and they are moving it out someplace else in order to keep the channels open for commerce. In other words, the pollution was already there before the Army engineers got there.

You talk about Lake Erie being a dead lake. If that is so, then it has not happened in the last 5 years. It has happened over the last 100 years. Certainly, if you want to put the blame where the blame should be, then it is on the people who polluted the lakes—the people who live around the lakes and on the lakes. It is certainly not the engineers because they are trying to keep the channels of commerce open in this country on our waterways.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman.

Mr. PUCINSKI. Mr. Chairman, the gentleman in the well and the very distinguished chairman of the subcommittee for whom I have time and again expressed my deep respect are the great experts of this Congress in this field. He

told about the problems that the Corps of Engineers will have if my amendment were to prevail. But yesterday he described the problems that we are having in trying to save Lake Michigan. He said, on page H2620 of the RECORD:

> Not only $100 million but several hundreds of millions of dollars will be required in order to clean out and to reverse the situation existing in Lake Erie so as to restore it to an acceptable level of quality and maintain it in accordance with the standards in existence now.

If you think the Corps of Engineers is going to be faced with problems now, you have not seen anything that will compare with the problems we will face when huge Lake Michigan, with 25,000 square miles, becomes the kind of cesspool that Lake Erie is today.

I am not suggesting that this amendment is going to save Lake Michigan, but it is the first step, and you can then put some meaningful law into all your other efforts once you have proven to the communities on the Great Lakes that the Government itself is not going to be permitted by law to pollute that lake.

The chairman of this distinguished committee says that the lake had already been polluted. I think that is a misstatement. We are not transferring polluted soil from one spot to another. We are taking pollution dredgings from harbors and rivers and transferring them into the clean waters of Lake Michigan. And let there be no mistake about this. I say this to my colleagues, and I would like to hear my colleague's reaction. The only thing we are talking about here is money.

Mr. BLATNIK. That is not correct.

Mr. PUCINSKI. There is no other issue. The Corps of Engineers has a whole series of alternatives they can use right now in disposing of these dredgings, either on land, in mine quarries, in dikes. They are doing so in Cleveland. So what we are talking about here is money. It means the Corps of Engineers will have to come before Congress and say, "You have barred us from this way of disposing of dredgings. We now need additional funds to do it in a different way." I say to you that I will support that kind of appropriation if it means saving the greatest national resource in America, and I say to you you cannot underestimate the contribution that the Corps of Engineers, through their dredging and their dumping, are doing toward polluting that lake. Is that not a fact? Is it not a fact that we are talking only about money?

Mr. BLATNIK. No, we are not. I made that clear. And it is neither our committee nor Congress but the Bureau of the Budget that originally asked for a review, a reappraisal of this whole program, and a study of alternatives. It is not only a question of money; it is also a matter of engineering feasibility. You can build a bridge or any other structure perhaps in a hundred different ways. But the question is, what is the best way to build it to make it most effective for the dollar value?

Mr. CRAMER. Mr. Chairman, I move to strike the requisite number of words.

What the gentleman is suggesting, in my opinion, would kill the public works projects of the Corps of Engineers in that area of this country, because to be feasible a project must have a 1-to-1 cost-to-benefit ratio. You say the problem is only money. If this means a substantial additional cost on the cost side as compared to the benefit side, and it is suggested that it will cost 10 times as much to do these projects with an onshore method as compared to an offshore dumping, then I am saying to the gentleman that in my opinion you will be killing—and if the gentleman wants to take the responsibility for doing that, that is his privilege—but he will be killing all public works projects under the Corps of Engineers dealing with this subject of dredging in that area of the United States of America.

The second point is that in addition to the fact that it is being studied as to how it can be done, we just adopted an amendment which had as its purpose the spending of $20 million in the Great Lakes area for the purpose of finding out how pollution of all types can be prevented, including the type of thing the gentleman is complaining about. So how far do we have to go?

We have millions of dollars of studies under the present law for the lakes. I just do not understand. I understand the gentleman and my objectives of cleaning up the lakes, but I do not think the gentleman understands the outflow of what the gentleman is proposing.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. PUCINSKI).

The amendment was rejected.

Mr. PUCINSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time to ask the chairman of the committee a question. Yesterday the trustees of the sanitary district had a big meeting. They were discussing the fact that where there is a huge disaster, such as an oil spill or a ship breaking up in the Great Lakes or somewhere else, under the present system there is no way of coordinating immediately.

I would like to ask who is going to move with such emergency measures? There are many agencies, but there is no single agency in charge? Is there anything in this act that would help deal with this problem of trying to set up more meaningful and more coordinated activities in the event of a major disaster such as an oil tanker breaking up in the Great Lakes or some other place? Is there anything in the bill that would bring some relief in this area?

Mr. FALLON. Mr. Chairman, is the gentleman talking about pollution in the lakes?

Mr. PUCINSKI. About oil spills or oil slicks or anything else.

Mr. FALLON. Mr. Chairman, there is a contingency plan in the act that provides for immediate action in such cases. This is under the direction of the President.

Mr. PUCINSKI. Just for the record and and so Members and I will know, who would activate such emergency action?

Mr. FALLON. The President or his delegate. The bill provides a method by which the President would delegate to the responsible agencies involved such as the Coast Guard authority to take charge of any removal action under the other provisions of the bill. This delegation takes place 90 days after enactment.

Mr. PUCINSKI. The moving party then would be the Secretary and the Coast Guard and all other agencies could go in and cooperate with them?

Mr. FALLON. That is right, That is on page 50.

Mr. COLLIER. Mr. Chairman, if the gentleman will yield, is it not true that every agency involved could simultaneously move in the emergency that exists, so it is not necessary for anyone to take the lead. If one recognizes the need, it could move in without having necessarily any agency coordinate.

Mr. PUCINSKI. And they do. But the question is, Who initiates the coordination? I think the chairman has answered that. As I understand it, in this bill there is a fund and the Secretary could go to the Coast Guard to start bringing quick and immediate relief. That is as I understand the chairman's explanation.

Mr. COLLIER. But they could start moving in without waiting for coordination.

Mr. PUCINSKI. The question is, Is there some apparatus for immediately coordinating movement, and I believe the chairman has answered the question.

(Mr. OLSEN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. OLSEN. Mr. Chairman, I rise today in support of H.R. 4148, the Water Quality Improvement Act of 1969. As a member of the Committee on Public Works I have been particularly gratified during my service with that committee to participate in legislation which has continuously moved forward a vitally needed program of cleaning up the Nation's waters.

H.R. 4148 is another step in that direction. It faces head-on, and properly so, the question of what is important at the present time—oil spillage, sewage from vessels and thermal pollution.

For the first time this legislation will place on the books a meaningful approach to the question of averting such disasters as the *Torrey Canyon* and the *Ocean Eagle*. For the first time it recognizes that the many vessels, large and small, which ply our waters can, if not properly supervised, contribute to the pollution of our rivers, lakes, and streams, and coastal waters, and for the first time it faces the fact that a new and vital industry, nuclear plants development industry, which is much-needed to provide power also must be properly supervised so that by its operations through the heat of the waters it may not have an adverse effect on the waters which are needed to cool its processes.

I regret exceedingly that the question of necessary funding for this program is not contained in this legislation. However, it seems to me that by the passage of this program, and by the prior acts of 1965 and 1966, we have placed on the books the tools that are needed to combat the pollution of our waters. We must now, before too much time is lost, find ways to provide proper financial help

for the implementation of the laws we have enacted and also provide the necessary properly trained personnel to carry out the operations of our water pollution control programs.

I have merely touched the highlights of H.R. 4148. There is also contained therein a study of acid mine drainage pollution, continuance of the many necessary and needed research programs now underway or to be initiated by the Federal Water Pollution Control Administration.

Mr. Chairman, I have listened today as several of our colleagues have expressed their views that this legislation does not go far enough. I agree. I believe we should have stronger water pollution standards. The fact of the matter is that we were limited in how far we could go and still retain the support necessary to pass the bill out of the committee.

In Montana we have the highest water pollution standards in the Nation. We would like to see the rest of the Nation enjoy equally high standards, and I hope we can take action in the future to assure this.

Nevertheless, this is good legislation. It is meaningful legislation. I urge its adoption.

Mr. TUNNEY. Mr. Chairman, recent events off the coast of Santa Barbara have called attention to what may be the single greatest potential for pollution of the Nation's water resources.

Oil may be discharged from vessels, refineries, terminals, storage facilities, barges, and offshore drilling operations.

The breakup of the *Torrey Canyon* off the coast of England in 1967 was the first of a series of spectacular events which brought home to the American public the possibility that such an event can happen anywhere at any time.

The *Torrey Canyon*'s oil cargo despoiled the coastlines of two nations for miles and wreaked havoc with the aquatic life of the entire area. The ensuing attempts to control and eliminate the oil were more noted for activity than effectiveness. The cost of the cleanup operation of the Governments, private interests, and citizens of France and England has been estimated at around $8 million.

It also served to point up the fact that under current law such a catastrophe would be beyond the capability of the United States to cope.

Unexpectedly such a catastrophe has occurred in U.S. waters. In the Santa Barbara Channel off the California coast an offshore drilling rig blew out in late January pouring many thousands of gallons of oil to form an 800-mile oil slick and blackening 25 miles of southern California's recreational beaches.

It will be some time before there is a full accounting of the damage, despite the best efforts of Federal, State, and local agencies.

Possible sources of oil pollution are many. There were on January 31, 1969, 7,837 drilled wells on the Continental Shelf under Federal lease. Thousands of other wells and drilling operations are to be found in offshore areas under State jurisdiction.

Hundreds of tankers travel the waterways and territorial waters of the United States. An alarming development is their increase in size to 200,000 tons, with 300,000 tons on the horizon. Together with smaller tankers and barges engaged in transporting billions of gallons of oil and petroleum products they are potential victims of accident, of collision, leakage, spillage or running up on reefs or ashore.

Under present law it has been almost impossible to fix responsibility for damage due to oil discharge. Gross or willful negligence must be proved. This, the Department of Justice reports, is extremely difficult and few prosecutions have been undertaken.

H.R. 4148, the Water Quality Improvement Act of 1969, now before the House, will repeal the Oil Pollution Act of 1924, as amended. Instead it provides a well-balanced law which will fix responsibility for oil discharge, provide penalties for offenders and make violators responsible for the cost of cleanup up to $10 million, or $100 for each gross ton for vessels and up to $8 million for onshore installations and those within the 3-mile limit.

As the bill makes the Federal Government responsible for the cleanup, it establishes a revolving fund of $20 million with costs to be recovered from offenders and if necessary a lien may be placed on the vessels and their further use inhibited until their liability is provided for.

The Secretary of the Interior is to establish regulations for environmental criteria relative to methods and procedures for removing oil and the Coast Guard will specify the actual procedures and equipment which may be used to prevent discharges as well as those to be used for removal of oil.

Any vessel of 100 gross registered tons will be required to establish financial responsibility to meet the maximum liability in instances of willful or negligent discharge.

A study of other measures to provide financial responsibilities and liabilities with regard to vessels and onshore and offshore facilities by the Secretary of Transportation in consultation with other Federal agencies and industry, is to be completed by 1971.

The total effect of the discharge of wastes from watercraft into the Nation's waterways, estuaries, ports and harbors is enormous. There are over 8 million recreational vessels, 110,000 commercial vessels, 1,500 Federal vessels as well as 40,000 foreign vessels. These are all highly mobile and constitute a serious source of pollution, and one which is growing rapidly.

Most vessels are not equipped to provide even minimal treatment of sanitary waste and there is little control of the disposal of other waste matter from vessels.

H.R. 4148 is designed to correct this by authorizing the Secretary of the Interior to issue standards of performance for marine sanitation devices, and the Coast Guard to issue regulations relative to the design, construction, installation, and operation of the devices. This would apply to new vessels within 2 years and to existing vessels within 5 years. Standards and regulations for Department of Defense vessels are to be issued by the Secretary of Defense.

Certification of acceptable devices is to be by the Coast Guard, and without such certified devices no vessel may be operated on U.S. waters after the lapse of the applicable time established by the act. Penalties are provided for violation.

The Secretary of the Interior may cooperate with State or interstate agencies in a research and demonstration program aimed at eliminating or controlling acid or other mine water pollution. Appropriation of $15 million is authorized for Federal participation in costs not to exceed 25 percent for each project.

This is a problem which has been increasing of late as previous measures to control have proved inadequate and the volume of such drainage is increasing at an accelerating rate.

Twelve million dollars for fiscal 1970 and $25 million for fiscal 1971 and 1972 is authorized for the purpose of grants or contracts with institutions of higher education to assist them in carrying out programs to train undergraduates for careers in design, operation, and maintenance of waste treatment works.

The shortage has been a serious problem and such a program is badly needed.

All Federal officers with jurisdiction over real property or facilities, which may discharge matter into navigable waters, are directed to insure compliance with applicable water quality standards in the administration of the property or facility within budget limitations.

Federal agencies issuing licenses or permits to conduct an activity which may discharge into navigable waters are directed to require certification that operations will not reduce the quality of water below applicable standards before issuance of license or permit. This is particularly important.

I feel that there now exists sufficient technical and administrative expertise to eliminate the problem and hazards of oil and other hazardous substance pollution. This legislation will serve to integrate and effectuate this expertise in a comprehensive manner.

Passage of H.R. 4148 will insure advances in several phases of the vital battle against the deterioration of the Nation's natural environment. I strongly urge its approval.

The pivotal question for the future, however, is whether the hazards to conservation outweigh the benefits resulting from oil and other resource development on the Continental Shelf and other areas? I believe more research on this question is needed before areas are indiscriminately opened up for resource development.

America has abundant natural resources. However, pollution is rapidly eroding these resources. The preservation of our natural resources cannot await tomorrow—for if we fail to act quickly to preserve our environment there will be no tomorrow.

Mr. SCHADEBERG. Mr. Chairman, I am proud to rise today in support of the Water Quality Improvement Act of 1969.

This bill has been the subject of extensive hearings before the Public Works Committee, of which I am a member, and I have participated in and followed them with great interest. The testimony pre-

sented has substantiated the serious need for this legislation, particularly in view of the recent harbor and shoreline incidents involving oil pollution. As a cosponsor of water quality improvement legislation, I am satisfied that H.R. 4148 is a comprehensive measure incorporating the basic requirements for meeting our water pollution difficulties.

Water pollution is one of the most important problems facing us today. In spite of efforts at all levels, from that of the Federal Government right down to that of the private citizen, our waterways, streams, rivers, lakes, seas, and oceans have not been cleaned out. In my own State of Wisconsin we have been plagued year after year by fish carcasses being washed up on our lake shores. Our citizens have been offended by the stench and the sight of this debris, our beaches have been abandoned, our fishermen, sportsmen, and boating enthusiasts have been impeded in their activities. The provisions of the legislation before us will assist directly and indirectly in combating this unhealthy and bothersome nuisance.

Another problem whose solution will be attempted through provisions of this bill is sewage discharge from vessels. Ships and boats of all sizes which release waste pollutants into our waters will be required to meet marine sanitation standards to be established by the Secretary of the Interior.

The Water Quality Improvement Act will make a significant difference in our approach to the pollution difficulties we face.

Mr. MONAGAN. Mr. Chairman, I rise today in support of H.R. 4148, the Water Quality Control Act of 1969.

Oil and waste pollution of our coastlines and waterways presents a very real threat, not only to our personal physical well-being, but also the ecological balance of our environment.

The advent of the combustion engine signaled more than an era of mass transportation, the attendant vast utilization of oil also started a slow but steady deleterious encroachment upon the ecological constitution of our environment.

What victory will we have if we succeed in mastering the forces of nature if the leisure time we gain must be spent in a wasteland?

To date we have experienced only the immediate and obvious effects of oil and waste spillage—the dead fish, crustaceans, and plant life. The long-range damage remains to be seen. I think the actual and potential damage is sufficient justification for this legislation.

We have had experience with oil pollution in Connecticut, and I have introduced remedial legislation in this area. From my experience gained from serving on the Government Operations Subcommittee on Natural Resources, which in 1963 inspected the Connecticut shoreline and held hearings in Hartford, I have maintained a keen awareness of the problem presented by water pollution. I am gratified to note that this bill authorizes the Secretary of the Interior and the Coast Guard to carry out a program controlling sewage discharge.

The focus which this bill places upon oil pollution is responsive to the seriousness of the threat. The provisions of the bill which fix responsibility and limit liability in the event of negligent or willful oil waste discharges indicate that a realistic appraisal has been made of the problems created by oil transport in vessels. Also, the civil and criminal penalties provided in this bill force higher protective standards upon oil carriers and oil drilling facilities so as to avoid environmental tragedies similar to the Torrey Canyon and the Santa Barbara Channel.

Another prudent section is 11(b) which requires applicants for Federal offshore drilling licenses to conform to State water quality standards. This provision will encompass not only oil and waste discharges, but also thermal pollution, a more subtle but no less dangerous form of water pollution.

I am particularly pleased with the provisions of the bill establishing a revolving fund in the Treasury for the reimbursement of a State or locality that assists in oil waste removal. This provision serves to guarantee swift and effective remedial efforts since the affected States can undertake costly cleanup operations with the assurance that their expenditures will be reimbursed.

I look upon a vote for this bill not only as a vote to enact a necessary remedial measure to meet a growing menace, but also as a vote for long range conservation, for if we do not act now the problem will worsen and the funds necessary to meet the necessities will continually increase.

I regret that because of the present world situation and pressing domestic problems we cannot provide more funds for antipollution measures. I look forward to the day when this will be possible, but meanwhile this bill constitutes a good start on this problem.

Mr. BINGHAM. Mr. Chairman, the stresses on our physical environment imposed by human societies are reaching critical proportions. Many elements of the environment upon which man is dependent are becoming polluted with dangerous chemicals and other substances which threaten to make our air, water, and soil not only less useable to living things, but potentially quite dangerous to life. Perhaps no element of the environment has been more misused than our water, and it is of utmost importance that we devote as much effort as is necessary to insure that our water resources are made pure again and kept that way for both recreational and drinking purposes.

The Water Quality Improvement Act, H.R. 4148, presently before us provides for several badly needed improvements in our capacity to prevent and deal with pollution of our water resources.

The amendment offered by my colleague from Ohio (Mr. VANIK), which is substantially the same in effect as his bill, H.R. 9382, of which I am a cosponsor, points up one major approach to water pollution control and prevention that has not been included in this legislation—Federal assistance for waste treatment and pollution cleanup facilities.

I am greatly disturbed by the fact that crucial time is slipping by without any major effort being undertaken by the Federal Government to begin to help clean up certain specific bodies of water already heavily polluted and growing more polluted every day. Many scientists feel that some of these bodies of water are nearing the point of no return—that they are becoming so polluted that they may never be adequately purified or that their purification may have to be measured in centuries rather than years or decades. I, along, with Mr. VANIK and other Members of this body, am particularly concerned about such bodies of water as Lake Erie, so important to the citizens of western New York.

Mr. VANIK's amendment would allow bodies of water like these, which are terribly polluted, to be declared "pollution disaster areas", which indeed they are. Federal funds would be authorized to be provided to State, local, and interstate agencies in jurisdictions bordering on such "pollution disaster areas" to help them provide "permanent corrective relief" facilities, such as more adequate waste treatment works and sewer systems.

Inadequacy of State, local, and private waste facilities, and the inability of local governments to improve these facilities and to enforce regulations due to lack of funds, are major causes of continued pollution of many bodies of water.

A broad program of Federal assistance for improvement of such facilities is badly needed, but has been omitted from this legislation awaiting further study by the Nixon administration and the relevant congressional committees. But conditions in some bodies of water, like Lake Erie, are so critical now, and these bodies of water are so near total destruction, that I do not feel we can wait any longer. The provisions of the Vanik amendment would permit us to launch a concerted effort to stop further pollution and begin the clean-up work on at least the worst and most seriously threatened cases of pollution among our many polluted water sources, and would pave the way for a more detailed and comprehensive program. In short, the Vanik amendment provides for the emergency steps that must be taken immediately in the absence of a full-scale Federal program of financial assistance for pollution control. And I strongly urge its adoption.

Mr. MATSUNAGA. Mr. Chairman, it is indeed encouraging that Congress has again recognized the need for new horizons and new innovations to meet this Nation's water needs.

By passage of H.R. 4148, the Water Quality Improvement Act of 1969, we have a logical extension in the area of water pollution control. Congress enacted the first water pollution general legislation in 1948, and the Water Quality Act of 1965, together with the Clean Water Restoration Act of 1966, signaled a new era for water pollution control in the United States.

Of all our natural resources, undoubtedly the most abused is water. So long as our streams, rivers, and lakes could cope with the ever-increasing loads of pollution and waste, we were content to let them struggle along. But, suddenly and dramatically, as in the oil pollution disaster in Santa Barbara, Calif., and the

Torrey Canyon catastrophe, we find the load is too much.

H.R. 4148, the landmark legislation we consider today, provides for the extension of research, development, and training program of the Federal Water Pollution Control Administration; covers rules and regulations concerning the effect of Federal activities and Federal licenses or permitted activities on our Nation's waters; establishes a new training program designed to provide more efficient waste treatment works both at the municipal and industrial level and provides for proper control of pollution from the various types of water craft that move through our Nation's lakes, streams, and waters. A major provision of this bill is the placing of responsibility for cleaning up after a pollution disaster wherever it occurs in our Nation's waters. In order to provide a more positive emphasis to the program, the legislation would change the name of the Federal Water Pollution Control Administration to the National Water Quality Administration.

Hopefully, this legislation will help to curb the ever-growing contamination of our precious natural water resources, and I urge the passage of H.R. 4148 by the House.

Mr. BOLAND. Mr. Chairman, the bill now before us—the Water Quality Improvement Act of 1969—would correct some of the errors of the past as well as lay the foundation for more fruitful results in the continuing fight against water pollution.

We are in an ungainly financial posture at present that inhibits real progress in this battle—unless, of course, the Congress as well as those in responsible positions throughout the Nation utilize all of the authority and technical knowledge available. This, quite plainly, still hinges on the availability of adequate funding.

This bill before us corrects one grievous error in existing law. The Oil Pollution Act of 1924, recently amended, makes it unlawful to discharge oil from any vessel in the navigable waters of the United States and requires any who do to remove it. However, gross or willful negligence on the part of the owner or operator of the vessel or of the installation must be proven before punitive action may be taken, or responsibility fixed.

This has proved so difficult to do that the Department of Justice has prosecuted only a handful of cases. The result is that oil spills, leakage, and accidental discharge have occurred in many and widely dispersed areas almost with impunity.

One resort has been to resuscitate the so-called Trash Act of 1899—that is, to treat the discharge of oil as any waste material. The Corps of Engineers has striven to enforce this act but with wholly unsatisfactory results.

H.R. 4148 would remove this obstacle by repealing the entire Oil Pollution Act of 1924, as amended, and by substituting a comprehensive and orderly program.

It fixes responsibility for spillage—whether willful or not—and enumerates every known source of oil pollution and every possible means. It extends application to vessels, onshore and offshore installations, and includes inland waters, lakes, harbors, estuaries, and all territorial waters of the United States.

Penalties are specific and procedures are outlined in explicit detail.

In the interest of speed and assurance that the cleanup will be immediate a revolving fund of $20 million would be established.

A study of other measures and possible changes or improvements in the act would be undertaken by the Secretary of Transportation in consultation with all concerned interests.

A growing menace to the Nation's waterways is the burgeoning fleet of recreational boats, very few of which have means of disposing of sanitary waste. Commercial and Government vessels, moreover, have inadequate facilities for this purpose. H.R. 4148 would require every boat and ship to be equipped with such facilities within 2 years for existing vessels, and 5 years for new vessels. In cooperation with the Coast Guard their character and capability would be established under this act. And certification of the efficacy of the equipment would be required of all vessels operating in U.S. waters.

Still another growing menace to water resources exists in the rapidly swelling drainage from mining activities, present and past. The act would authorize $15 million for Federal participation—up to 25 percent of the cost of a cooperative program of research and demonstration aimed at controlling or abating this problem.

There is an acute shortage of trained personnel to operate and maintain the many new and enlarged water treatment plants. This Act would authorize $12 million for 1970, and $25 million over the next 2 fiscal years for grants or contracts with educational institutions to establish programs for training undergraduate students interested in a career in this field. Scholarships would be available for these students.

The lakes of the Nation, notably several of the Great Lakes and many smaller ones, are recipients of nutrient waste matter which is prematurely aging them. Some are being referred to as "dying." In any event, their continued existence is threatened by pollution. A program of contracts and grants would be authorized for the Secretary of the Interior to undertake research and development on the lake eutrophication and other problems of the lakes.

Other research and demonstration programs contained in this bill are for the purpose of developing field laboratories, research facilities, experiments and research in the prevention and control of oil pollution, and removal of oil discharges.

It has been demonstrated that Federal installations are among the worst offenders and that many deleterious activities are undertaken under license or permits granted by Federal agencies. Many of these installations discharge pollutants into rivers and streams. H.R. 4148 would make it imperative that in the administration of their activities that they, within budget limitations, insure compliance with applicable water quality standards. Federal agencies, before issuing licenses or permits, must obtain assurance that any activities pursued in accordance with the license or permit have been certified by the appropriate State or interstate water pollution control agency, and that any resultant discharges into water courses will not reduce the quality of the water below the applicable standards.

This act is not a panacea, of course, but it would correct some of the major blunders of the past and would authorize several new programs that hold great potential for future progress in the control of water pollution.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee substitute amendment, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. SMITH of Iowa, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4148) to amend the Federal Water Pollution Control Act, as amended, and for other purposes, pursuant to House Resolution 340, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. CRAMER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 392, nays 1, not voting 39, as follows:

[Roll No. 37]

YEAS—392

Abernethy	Bolling	Clancy
Adair	Bow	Clausen, Don H.
Adams	Brademas	Clawson, Del
Addabbo	Brasco	Cleveland
Albert	Bray	Cohelan
Alexander	Brinkley	Collier
Anderson, Calif.	Brooks	Colmer
Anderson, Ill.	Broomfield	Conable
Anderson, Tenn.	Brotzman	Conte
Andrews, Ala.	Brown, Calif.	Conyers
Andrews, N. Dak.	Brown, Mich.	Corbett
Annunzio	Brown, Ohio	Corman
Arends	Broyhill, N.C.	Cowger
Ashley	Broyhill, Va.	Cramer
Aspinall	Buchanan	Culver
Ayres	Burke, Fla.	Daddario
Baring	Burke, Mass.	Daniel, Va.
Barrett	Burleson, Tex.	Daniels, N.J.
Beall, Md.	Burlison, Mo.	Davis, Wis.
Belcher	Burton, Calif.	de la Garza
Bennett	Burton, Utah	Delaney
Berry	Bush	Dellenback
Betts	Button	Denney
Bevill	Byrne, Pa.	Dennis
Biaggi	Byrnes, Wis.	Dent
Biester	Cabell	Derwinski
Bingham	Caffery	Devine
Blanton	Cahill	Dickinson
Blatnik	Camp	Diggs
Boggs	Carter	Dingell
Boland	Casey	Donohue
	Cederberg	Dorn
	Celler	Dowdy
	Chamberlain	

Downing
Dulski
Duncan
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Eshleman
Evans, Colo.
Fallon
Farbstein
Fascell
Feighan
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Foreman
Fountain
Fraser
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Gaifianakis
Gallagher
Gaydos
Gettys
Giaimo
Gibbons
Gilbert
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammer-schmidt
Hanley
Hanna
Hansen, Idaho
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Joelson
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Kee
Keith
King
Kirwan
Kleppe
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Langen
Latta
Leggett
Lennon
Lipscomb
Lloyd
Long, La.
Long, Md.
Lowenstein
Lujan
Lukens
McCarthy
McClory
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKneally
McMillan
Macdonald, Mass.
MacGregor
Mahon
Mailliard
Mann
Marsh
Mathias
Matsunaga
Mayne
Meeds
Meskill
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Morton
Mosher
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
Olsen
O'Neill, Mass.
Ottinger
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Poff
Pollock
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Quillen
Railsback
Randall
Rarick
Rees
Reid, Ill.
Reid, N.Y.
Reifel
Reuss
Rhodes
Riegle
Rivers
Roberts
Robison
Rodino
Rogers, Colo.
Rogers, Fla.
Ronan
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roudebush
Roybal
Rumsfeld
Ruppe
Ruth
Ryan
St Germain
St. Onge
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stubblefield
Stuckey
Sullivan
Symington
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Tunney
Udall
Ullman
Utt
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watkins
Watson
Watts
Weicker
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young
Zablocki
Zion
Zwach

NAYS—1

Martin

NOT VOTING—39

Abbitt
Ashbrook
Bates
Bell, Calif.
Blackburn
Brock
Carey
Chappell
Chisholm
Clark
Clay
Collins
Coughlin
Cunningham
Davis, Ga.
Dawson
Dwyer
Edwards, La.
Esch
Evins, Tenn.
Ford, William D.
Frelinghuysen
Fuqua
Garmatz
Griffiths
Gross
Hansen, Wash.
Hébert
Jones, Tenn.
Madden
May
Moss
Murphy, N.Y.
O'Konski
O'Neal, Ga.
Powell
Purcell
Scheuer
Stratton

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Bates.
Mr. Abbitt with Mr. Ashbrook.
Mrs. Griffiths with Mrs. May.
Mr. Madden with Mrs. Dwyer.
Mr. Murphy of New York with Mr. Frelinghuysen.
Mr. Evins of Tennessee with Mr. Gross.
Mr. Jones of Tennessee with Mr. Brock.
Mr. Casey with Mr. Cunningham.
Mr. Moss with Mr. Esch.
Mr. O'Neal of Georgia with Mr. Bell of California.
Mr. Davis of Georgia with Mr. Blackburn.
Mr. Edwards of Louisiana with Mr. O'Konski.
Mr. Fuqua with Mr. Collins.
Mr. Clark with Mr. Coughlin.
Mr. Clay with Mr. Chisholm.
Mr. William D. Ford with Mr. Powell.
Mr. Scheuer with Mr. Dawson.
Mr. Stratton with Mr. Chappell.
Mrs. Hansen of Washington with Mr. Purcell.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill H.R. 4148, just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

YUKA AWAMURA

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent to vacate the proceedings of the House whereby the bill (H.R. 5067) for the relief of Yuka Awamura was passed by the House on April 15, and consider in lieu therof an identical Senate bill (S. 458) which was referred to the Committee on the Judiciary on February 18, 1969.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 458

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, as amended, Yuka Awamura may be classified as a child within the meaning of section 101(b)(1)(F) of that Act, and a petition may be filed in her behalf by Mrs. Edith Fukunaga, a citizen of the United States, pursuant to section 204 of the Act: *Provided,* That no brothers or sisters of the beneficiary shall thereafter, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 5067) was laid on the table.

ABOLISH THE DRAFT

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, I am introducing a bill to abolish the draft. I wholeheartedly join this bipartisan effort led by the senior Senator from Oregon.

Some prefer to speak of this bill as the establishment of a volunteer army. I think the emphasis is misplaced. We already have a volunteer army—only 15 percent of that force are draftees.

I think the emphasis should be on abolishing the draft. Conscription is involuntary servitude. We have tolerated this system too long. We should put an end to it.

The bill provides that the draft could only be reinstated by an act of Congress upon the recommendation of the President. The President would have to look to Congress rather than General Hershey for the necessary military manpower needed to commit this country to a long-term conflict. Only Congress has the constitutional power to declare war. Such authority should not be subverted by the continued use of the draft.

My bill would increase the monthly pay of each enlisted grade by $100. It is estimated that the cost of such a pay raise would be substantially offset by savings resulting from the increased efficiency of maintaining a career army.

But more important, any increase in military pay costs will make clear to the American taxpayer that our force levels are already very high and will dramatically illustrate the true cost of our present military commitments. We should no longer use the draft as a cheap way to continue such commitments. The price paid in human terms is too great and unfortunately some of the military commitments are already suspect.

I reject the arguments that a volunteer army would lead to a mercenary army dominated by blacks. It has been pointed out that blacks represent 12 percent of the age group between 18 and 26, and they voluntarily enter the service at about the same percentage. Canada and Britain have volunteer armies, and I do not see any signs of militarism in those countries—in fact, their military commitments seem to be declining. On the other hand, Greece imposed conscription yet was not spared a military coup.

June 26, 1969

SENATE

11. CONSERVATION. Passed as reported S. 1790, the Great Plains conservation bill. Sen. Mansfield quoted from the committee report: "This bill would extend the Great Plains conservation program for 10 years and enlarge its scope in a number of minor respects. The program is one under which the Secretary enters into conservation cost sharing contracts of up to 10 years with producers in counties susceptible to wind erosion in the States of Colorado, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming." pp. S7199-202

Passed as reported S. 1076, to establish a Youth Conservation Corps in the Departments of the Interior and Agriculture. Sen. Mansfield quoted from the committee report: "The purpose of this legislation...is to establish a pilot Youth Conservation Corps program for young men and women, 14--18 years of age, who would participate in summer work and educational projects in our national parks, forests, recreation areas, wildlife refuges, and other public lands administered by the Departments of the Interior and Agriculture for periods up to 90 days...The bill authorizes appropriations to support a 3-year pilot program for approximately 3000 youth each year." pp. S7202-4

12. TAXATION. The Finance Committee reported with amendment H. R. 9951, relative to the collection of Federal unemployment tax (S. Rept. 91-281). p. S7214

Sen. Metcalf expressed his willingness for the present income tax withholding rates to be continued for 90 days so that any proposal to extend the surcharge can be considered simultaneously with comprehensive tax reform. p. S7225

13. RESEARCH. The Aeronautical and Space Sciences Committee reported with amendment H. R. 11271, to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management (S. Rept. 91-282)(p. S7214). Includes in the Space Applications program for cooperation with this Department in determining the spectrum of remote sensor requirements necessary to apply space technology to the fields of agriculture, forestry, oceanography, meterology, etc.

Passed with amendment H. R. 12167, fiscal 1970 authorizations for the Atomic Energy Commission. Includes funds for isotopes development program involving use of radioisotopes for combating environmental pollution and for the preservation of food by radiation. S. 2416, a similar bill, was postponed indefinitely. pp. S7265-71

14. EXPORT CONTROL. Passed without amendment S. J. Res. 122, to provide for a temporary extension of the authority conferred by the Export Control Act of 1949. p. S7204

15. RECREATION. Passed as reported S. 621, to provide for the establishment of the Apostle Islands National Lakeshore, Wisc. pp. S7212-14

Passed with amendments S. 1708, to amend the Land and Water Conservation Fund Act of 1965 by authorizing the sale of surplus Federal properties at less than the full 50 percent of fair market value which is required under present law. pp. S7271-2, S7280-2

16. APPROPRIATIONS. Sen. Williams, Del., submitted and discussed two amendments he intends to propose to the USDA appropriation bill. He stated that one amendment would place a limit of $20,000 on farm payments and the other would repeal the "snap-back" provision. He inserted a list of the 1968 total payments of $60,000 and over under ASCS programs (excluding price support loans). pp. S7224-5, S7275-80

H. R. 11582, the Treasury-Post Office appropriation bill was made the unfinished business. p. S7282

17. APPALACHIA. The "Daily Digest" states that the Public Works Committee voted to report (but did not actually report) S. 1072, the "proposed Appalachian Regional Development Act Amendments of 1969. As approved by the committee the bill would provide: (1) $294 million for fiscal years 1970 and 1971 for Appalachian regional development, including extension of Appalachian development, including extension of Appalachian highway system (2) $285 million for fiscal years 1970 and 1971 for extension of authority of the five regional commissions, not more than $100 million of which could be used for regional development transportation system, and (3) 1-year extension of title 1 of the Public Works and Economic Development Act providing public works grants through the Economic Development Administration." p. D559

18. WATER POLLUTION. The "Daily Digest" states a subcommittee of the Public Works Committee approved for full committee consideration with amendments S. 7, proposed Water Quality Improvement Act of 1969. ~~p. D559~~

19. INTEREST RATES. Sen. Montoya stated the effect of the raise in interest rates "will spread far and wide--to the ruin of homebuilders, homeowners, small businessmen, farmers, and others." pp. S7227-9

20. WATER. Sen. Murphy inserted an article by former Assistant Secretary of Agriculture Earl Coke in support of legislation to modernize the "archaic 160-acre limitation provision of our reclamation regulations." p. S7235

21. TIMBER; FORESTRY. Sen. Montoya stated that it is the Forest Service which is "largely responsible for the conditions which are depriving producers of raw material they can operate profitably." He announced hearings in order to seek "an accounting from the Secretary of Agriculture for the conduct of the Forest Service." p. S7237

22. POVERTY. Sen. Goodell inserted a review of Dr. Levitan's book, "The Great Society's Poor Law: A New Approach to Poverty." pp. S7254-55

23. GRAINS. Sen. Hruska spoke in support of proposed legislation to authorize the Commodity Credit Corporation to insure loans made to farmers for the construction or purchase of facilities for storage of grain on the farm. p. S7255

Sen. Hartke criticized the International Grains Arrangement and stated that the "high prices established by the new convention have encouraged uneconomical production of wheat abroad." pp. S7257-61

24. EDUCATION. Sen. Murphy inserted his testimony in favor of Federal aid to education in impacted areas. pp. S7261-5

SENATE - continued

PERSONNEL; RETIREMENT. A subcommittee of the Post Office and Civil Service Committee approved for full committee consideration S. 2326, relating to retirement financing and benefits for Government employees and Members of Congress. p. D668

WATER QUALITY. The Public Works Committee voted to report (but did not actually report) S. 7, proposed Water Quality Improvement Act of 1969. p. D668

CONTENTS

ppropriation.....13,43
mic energy.....34
nce of payments.....8
dget.....14
nsus.....12
garette labeling.....33
nsumers.....26
ectrification....4,14,31
ployment.....24
vironment.....6,36
hics.....32
ports.....1
rm program.....19,27
deral aid.....40
re research.....18
Food additives.....5
Foreign affairs.....28,42
Foreign aid.....16,20
Forestry.....37
Grazing fees.....41
Health.....2
Holidays.....30
Hunger.....39
Inflation.....14
Land reform.....20
Leave.....12
Legislative program.....17
Opinion poll.....21
Pay comparability.....12
Personnel.....12,25,32,44
Pesticides.....6
Population.....15
Potatoes.....38
Poverty.....19
Recreation.....7
Research.....35
Retirement.....44
Safety.....2,10
Saline water.....28
Taxation.....3,22,23
Timber yield.....37
Water quality.....45
Wilderness.....9,29

32. ETHICS; PERSONNEL. S. 2691 by Sen. Proxmire, to amend Public Law 87-849, approved October 23, 1962, to strengthen provisions relating to disqualification of former Federal officers and employees in matters connected with former duties and official responsibilities; to Judiciary Committee. Remarks of author pp. S8504-7.

PRINTED HEARINGS RECEIVED BY THIS OFFICE

33. CIGARETTE LABELING. H. R. 643, 1237, 3055, and 6543, cigarette labeling and advertising--1969. Parts 1 and 3. H. Interstate and Foreign Commerce.

34. ATOMIC ENERGY. AEC authorizing legislation fiscal year 1970. Part 3. Jt. Committee on Atomic Energy.

35. RESEARCH. S. 1941, NASA authorization for fiscal year 1970. Part 2. S. Aeronautical and Space Sciences.

36. EMPLOYMENT. H. R. 513, et al, proposed Economic Opportunity Amendments of 1969. Part 2. H. Education and Labor Committee.
Public Works and Economic Development Act Amendments of 1969 (Titles I-IV, VI, and VII). H. Public Works Committee.

37. TIMBER YIELD. H. R. 10325, et al, proposed National Timber Supply Act of 1969. H. Agriculture Committee.

38. POTATOES. H. R. 11243, exempt potatoes for "other processing" from marketing orders. H. Agriculture Committee.

39. HUNGER. Nutrition and human needs. Part 7: D. C.. S. Select Committee on Nutrition and Human Needs.

40. FEDERAL AID. Federal support of project grants: indirect costs and cost sharing. Part 2. S. Gov't Operations Committee.

41. GRAZING FEES. Recent increase in grazing fees. H. Interior and Insular Affairs.

42. FOREIGN AFFAIRS. New directions for the 1970's: toward a strategy of inter-American development. H. Foreign Affairs Committee.

43. APPROPRIATIONS. Depts. of State, Justice and Commerce, the Judiciary, and related agencies appropriations for 1970. Parts 2 and 4. H. Appropriations Committee.
Depts. of Labor and Health, Education, and Welfare appropriations for 1970. Part 6. H. Appropriations Committee.

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COMMITTEE HEARINGS JULY 25:
Nutritional needs, S. Select Committee on Nutrition and Human Needs.
Housing legislation, S. Banking and Currency.
Federal role in preretirement planning, S. Special Committee on Aging.
Foreign aid authorizations, H. Foreign Affairs.

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Aug. 7, 1969

SENATE

9. RECREATION. The Interior and Insular Affairs Committee reported with amendment S. 2564, to amend the Act fixing the boundary of Everglades National Park, Fla., and authorizing the acquisition of land therein, in order to authorize an additional amount for the acquisition of certain lands for such park (S. Rept. 91-347). p. S9380

Concurred in the House amendments to S. 912, to provide for the establishment of the Florissant Fossil Beds National Monument in Colo. (pp. S9378-9). This bill will now be sent to the President.

Sen. Yarborough inserted Jean Hunt's review of the book, "America the Raped." p. S9389

10. WATER QUALITY. The Public Works Committee reported with amendments S. 7, to amend the Federal Water Pollution Control Act, as amended (S. Rept. 91-351). p. S9381

11. GREAT PLAINS. Conferees were appointed on H. R. 10395, to amend the Act of August 7, 1956 (70 Stat. 1115), as amended, providing for a Great Plains conservation program (p. S9359). House conferees have been appointed.

12. EXPORT CONTROL. Agreed to without amendment H. J. Res. 864, to provide for a temporary extension to October 31, 1969, of the authority conferred by the Export Control Act of 1949 (p. S9360). This bill will now be sent to the President.

13. DISASTER RELIEF. Sen. Spong, Va., was substituted for Sen. Gravel, Alaska, as a conferee on the part of the Senate on the Calif. disaster relief bill. p. S9380

14. TAXATION. Sen. Long inserted an editorial, "From Confusion to Chaos," which discussed the tax reform package. pp. S9356-7

15. POTATOES. The Daily Digest states a subcommittee of the Agriculture and Forestry Committee approved for full committee consideration S. 1181, "proposed Potato Research and Promotion Act (with amendments), including one which would add the text of S. 1862, permitting projects for paid advertising under marketing orders applicable to tomatoes" and "S. 2214, to exclude potatoes for all types of processing from provisions of the Agricultural Marketing Agreement Act (amended) so as to provide for exemption of potatoes for processing from marketing orders for a period of 2 years." p. D735

16. REVIEW COMMITTEES. A subcommittee of the Agriculture and Forestry Committee approved for full committee consideration S. 2226, to amend the Agricultural Adjustment Act with regard to appointment of review committee members. p. D735

17. MINING. The Interior and Insular Affairs Committee voted to report (but did not actually report) S. 719, to establish a national mining and minerals policy. p. D736

18. IRRIGATION. The Interior and Insular Affairs Committee voted to report (but did not actually report) S. 203, to amend the Act of June 13, 1962 (76 Stat. 96), with respect to the Navajo Indian irrigation project. p. D736

19. GRAZING FEES. The Daily Digest states the Interior and Insular Affairs Committee "approved a committee resolution proposed by Senator Church asking the Departments of Interior and Agriculture to carefully review grazing fee schedules announced last January." p. D736

20. ENVIRONMENTAL QUALITY. Sen. Muskie inserted the text of his proposed Intergovernmental Power Coordination and Invironmental Protection Act which was inadvertently omitted from the Record when he introduced the bill. pp. S9394-5

21. PESTICIDES. Sen. Nelson inserted an article, "Search for a Pesticide," which "cites the spread of pesticides throughout the environment." pp. S9400-01

22. HUNGER. Sen. Yarborough inserted an article which calls for "a free basic diet for every American." He stated that he has "some reservations" about the approach the author suggests, but that her comments merit consideration by us all. pp. S9401-3

23. CHEMICAL WARFARE. Sen. Ribicoff expressed concern over the destructive potential of chemical and biological warfare capabilities and stated, "We must now take every precaution to prevent the uncontrollable contamination of the earth." pp. S9411-2

EXTENSION OF REMARKS

24. ELECTRIFICATION. Rep. Jones, Ala., praised the TVA program and stated that it will pay into the Treasury almost half again as much as has been requested for appropriations. p. E6741

Rep. Evins, Tenn., objected to TVA's proposed rate increase. p. E6751

25. FORESTS. Rep. Wold commended and inserted a speech, "The Forest Industry: Today and Tomorrow." pp. E6744-6

26. TAXATION. Rep. Cowger explained his votes on tax measures. p. E6748

Rep. Utt inserted an article, "Tax Reforms Feared Inflationary." pp. E6748-9

Speech in the House by Rep. Boggs during debate on the tax reform bill and insertion of articles on this subject. pp. E6763-76

27. LANDS. Rep. Reid, Ill., stated that "one of the most important pieces of legislation" was the establishment of the Public Land Law Review Commission, and inserted an article, "Land for Growth." pp. E6753-4

28. POLLUTION. Rep. Dorn urged appropriations for the construction grant program of the Clean Water Restoration Act. pp. E6757-8

Rep. Cohelan inserted an article, "Environmental Noise Pollution A New Threat to Sanity." pp. E6792-5

Calendar No. 346

91ST CONGRESS
1st Session

SENATE

REPORT
No. 91–351

AMENDING THE FEDERAL WATER POLLUTION CONTROL ACT, AS AMENDED, AND FOR OTHER PURPOSES

REPORT

OF THE

COMMITTEE ON PUBLIC WORKS
UNITED STATES SENATE

TO ACCOMPANY

S. 7

AUGUST 7 (legislative day, AUGUST 5), 1969.—Ordered to be printed

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CONTENTS

	Page
Introduction	1
Discussion of bill (by title):	
I. WATER QUALITY IMPROVEMENT ACT OF 1969:	
General statement	3
Summary and discussion of major provisions	11
Control of sewage from vessels	11
Control of oil pollution	13
Discharge of hazardous substances	20
Acid and other mine drainage	21
Great Lakes demonstration	25
Federal activities compliance	26
Manpower training	30
Clean lakes	33
Oil pollution research	35
Facilities land acquisition	35
Extension of general research authorizations	36
Hearings	36
II. ENVIRONMENTAL QUALITY IMPROVEMENT ACT:	
Summary and discussion of major provisions	36
Excerpts from hearings on Environmental Quality	42
III. PROPERTY ACQUISITION:	
General statement	57
Need	58
Hearings	58
Table—Oil spills	59
Section-by-section analysis	63
Changes in existing law	78

Calendar No. 346

91ST CONGRESS, 1st Session | SENATE | REPORT No. 91-351

AMENDING THE FEDERAL WATER POLLUTION CONTROL ACT, AS AMENDED, AND FOR OTHER PURPOSES

AUGUST 7 (legislative day, AUGUST 5), 1969.—Ordered to be printed

Mr. Muskie, from the Committee on Public Works, submitted the following

REPORT

[To accompany S. 7]

The Committee on Public Works, to which was referred the bill (S. 7), having considered the same, reports favorably thereon with amendments and recommends that the bill (as amended) do pass.

INTRODUCTION

S. 7, as reported, includes three titles, the first two of which would amend the Federal Water Pollution Control Act, establish an enviromnental policy for Federal public works projects and provide for the establishment of an Office of Environmental Quality.

Title I of this legislation would provide specific approaches for dealing with particular kinds of water pollution problems and directing that additional studies be made with regard to some of their more complex aspects.

For the first time the President would have power and authority to deal with disastrous oil spills which threaten serious injury to the Nation's waters and beaches.

The bill also breaks new ground by requiring compliance with water quality standards by all activities over which the Federal Government has direct control or for which Federal licenses or permits are required. Discharges of sewage from vessels which foul many of the Nation's marinas, harbors, and ports will be subject to control measures.

Authority would be provided to designate those hazardous substances, the discharge of which into the Nation's waters, presents a substantial endangerment to health and welfare.

Authorizations for continued research under the act are provided as is new authority to solve specific pollution problems caused by eutrophication (the natural process of aging of lakes) and acid mine drainage.

Title II of this bill sets forth a fundamental procedure to coordinate Federal, and federally assisted public works activities to assure adequate consideration of the environmental policies set by the Water Quality Act, the Air Quality Act, and the Solid Waste Disposal Act. This title of S. 7, as reported, is designed to bring coherent and integrated management of those environmental policies into the programs of the Federal Government.

Title III includes provisions for acquiring land for use of the U.S. Senate.

The provisions, their ramifications and the intent of the committee will be discussed in detail by title.

DISCUSSION OF BILL

TITLE I.—WATER QUALITY IMPROVEMENT ACT OF 1969

General Statement

When the Congress adjourned last year, S. 3206, legislation similar to this bill, was a part of its unfinished business. S. 7, the Water Quality Improvement Act of 1969, was drafted to clarify some misconceptions about its predecessor and to incorporate provisions passed in both the House and the Senate versions of the bill. Except for deletion of the financing provision of last year's bill, the bill, as introduced, followed the essential pattern of S. 3206.

Title I of this year's legislation is designed to deal with three major sources of pollution which continue to damage our water resources: oil pollution, vessel pollution, and thermal pollution.

Frequent oil spills from vessels and from on- and off-shore facilities have ruined beaches and lowered the quality of our rivers and shore waters and have jeopardized animal and vegetable life. The spills from the *Torrey Canyon* and the *Ocean Eagle* have been spectacular examples of this danger, but the damage from repeated but unpublicized lesser incidents and intentional dumping is steadily increasing. This can no longer be tolerated.

Too often, the Government has been unable to respond quickly enough to control the situation, or has not been informed of the incident. Frequently, the offenders have made no attempt to clean up the spill and have gone unpunished. This bill attempts to correct these deficiencies.

As pleasure boating becomes an increasingly popular recreation, more and more untreated sewage is dumped into our rivers, lakes, and coastal waters. Combined with increased wastes from commercial vessels, this pollution has created health hazards in waters previously known for their beauty and high quality.

Those who benefit from our water resources for trade or recreation must also accept the responsibility for preserving and enhancing water quality. Title I, the Water Quality Improvement Act provides for the establishment of standards of performance for vessel waste treatment systems to prevent the discharge of untreated or inadequately treated sewage from these sources.

This bill recognizes the responsibility of Federal agencies to protect water quality wherever their activities affect public waterways.

For example, while thermal pollution which can seriously and adversely affect the ecological balance of the receiving waters can be controlled, the Atomic Energy Commission does not consider these factors in passing on the site selection, construction, and design or operation of nuclear powerplants.

Under the terms of S. 7, no Federal agency shall issue a license or permit for any activity which may affect water quality until it receives certification from the State in which the discharge originates that the proposed activity will be designed to insure compliance with applicable water quality standards. In the past, these licenses and permits have been granted without any assurance that the standards will be met or even considered.

In the past 6 years, Congress has maintained that the effort to clean up our Nation's waters requires the most urgent commitment of organization, planning, engineering skill, and funds directed toward improvement of the quality of our environment. We have acknowledged the need for clean water in the broadest sense. But the demand for clean water is so great and is growing so rapidly that we cannot afford to overlook any opportunity to increase the available supply of water, or to prevent and control sources of pollution which threaten the existing supply.

MAJOR PROVISIONS OF TITLE I

The major provisions of title I include:

(1) Authority to set Federal standards for the performance of marine sanitation devices to control sewage discharges from vessels;

(2) Amendments to Federal oil pollution law to provide centralized authority to clean up oil spills regardless of source and, if such cleanup is performed by the Federal Government, provision for recovery of cost;

(3) Provision to insure compliance with water quality standards by Federal licensees and permittees which will require preconstruction water quality planning and eliminate the potential of Federal participation in activities which are inconsistent with the Nation's water quality programs; and

(4) Provision for identification, designation, and cleanup of discharge of hazardous substances other than oil;

(5) Extension of research authorizations in basic law and addition of four new areas of research emphasis: acid-mine drainage, lake eutrophication, control of pollution in the Great Lakes, and oil-pollution removal.

OIL POLLUTION

S. 7 as introduced would have provided for liability on vessels and on- and offshore facilities to be based on a test of negligence with the burden of proof on the owner or operator of the vessel or on- or offshore facility to prove that any discharge of oil was not the result of negligence.

Also the legislation would have assessed liability for any vessel to a limit of $450 per gross ton or $15 million, whichever the lesser, and, for on- and offshore facilities, $15 million. The figure of $450 per gross ton was based on information provided by the Federal Water Pollution Control Administration, indicating that the cost of clean up of a barrel of oil was approximately $75 and that projected to a gross ton (six to seven barrels of oil) would be approximately $450. The $15 million figure established for onshore and offshore facilities was intended to reflect the potentially catastrophic costs associated with an uncontrolled blow-out from an oil well.

Evidence provided by witnesses indicated that while the cost computation of clean up of a given barrel of oil might average $75, the likelihood of any single vessel, even in the most catastrophic disaster, discharging its entire cargo was remote. The figure finally decided upon by the Committee, $125 per gross ton, would be ade-

quate to pay the clean up cost for the largest and most disastrous of oil spills on record.

The type of liability to be imposed presented the committee with a great many questions. Extensive testimony was taken and subsequent extensive discussion occurred in executive session on the factors which should be considered in determining the type of liability. Among those factors were (1) the effect of too rigid a liability test on maritime commerce; (2) the availability of insurance for any specific amount or type of liability; (3) the economic impact of any specific amount of liability on the owner of the vessel, the shipper of the oil and the consumer; and (4) the impact of a burdensome liability test on the U.S. Government and the people of the United States.

The committee determined, on the basis of the best information available, including the general lack of relationship between the person affected by an oil discharge and the operation of the discharging source, that some form of absolute liability should be imposed.

It has been suggested that absolute liability is in conflict with the basic body of American maritime law and that a shipper would be held responsible for circumstances over which he has no control.

Heretofore, maritime liability has related to a vessel, its cargo, and its employees. Insurance covers the hull, the cargo, personal injury, and death, and has been designed to protect people who either work for, use, own or operate a vessel. Were this the case with oil pollution, the imposition of liability based on negligence would not be questioned. However, the discharge of oil can and usually does affect the general public, and persons and property wholly unrelated to the vessel, who have no control over it, and who have no interest in it.

The public interest, it can be argued, can be completely protected only by absolute and unlimited liability; negligent and limited liability would protect only private interests. If the Congress were to impose negligence as the test, it would follow that there should be no limits on such liability.

Under absolute liability with limits, a vessel owner would be absolutely liable regardless of fault, but the injured party would be limited in the amount of the damages which could be collected. This approach avoids the difficult, if not impossible, task of proving negligence or rebutting the case for nonnegligence made by the vessel owner. It also places the risk on the responsible party, not on the general public.

It should be noted that the insurance industry and the oil industry testified that they could not imagine a circumstance where a discharge of oil would occur without some degree of negligence. Therefore, it appears that negligent liability with a reverse burden of proof and absolute liability are similar in practical application. The practical advantage to absolute liability, of course, is that it would avoid litigation with the vessel owner on the question of responsibility.

The oil pollution section deals only with the matter of clean up of discharges and costs associated therewith. The bill in no ways affects the rights of third parties against the party causing the discharge.

After deciding on the nature of liability, the committee then considered the circumstances under which a vessel owner or on- or offshore facility owner should be exempt from the imposition of such liability. The committee determined that one obvious area over which

an owner or operator would have no control would be a discharge caused solely by an act of war.

Another area which the committee believed to be beyond the control of an owner or operator would be any discharge caused solely by an act of God about which the owner could have no foreknowledge, could make no plans to avoid, or could not predict. Under this exception, only discharges resulting from grave natural disasters, which could not be anticipated in the design, location or operation of the facility or vessel by reason of historic, geologic, or climatic circumstances or phenomena, would be outside the scope of the owner's or operator's responsibility.

It was brought to the attention of the committee that there have been circumstances in which a negligent act of Government caused or contributed to the discharge of oil. The committee determined that an owner or operator should not be held liable if he could prove that such act of U.S. Government negligence was the sole cause of a discharge. Examples of this type of situation would include a negligently placed marker buoy in a channel, a well lighted and marked offshore oil facility in the navigable waters rammed by a U.S. vessel, or a tank farm into which a military aircraft crashed.

Finally, the committee considered the question of a discharge which occurred solely due to an act of a third party. Among such acts would be a discharge caused when a vessel collided with another vessel which was secured to a dock.

The committee determined that while the owner or operator should not be liable if he could prove that a discharge was caused by one of these acts, it was also necessary that such exceptions be allowed only when the owner or operator proved the discharge to be solely the result of one of the exceptions. Any culpability on the part of the owner or operator would vitiate the exception.

This legislation recognizes the greater need to protect the public against disastrous oil spills such as the continuing oil leak off the coast of California at Santa Barbara. Senate action in 1967 followed the *Torrey Canyon* incident. The *Torrey Canyon* disaster resulted in cleanup costs of approximately $7,200,000 or approximately $118 per gross ton of the vessel. Since that time the *Ocean Eagle* which broke up in San Juan Harbor involved cleanup costs of approximately $700,000. Cleanup associated with breakup of the *General Colcotronis* off the Bahamas in 1968 cost $800,000. While the final costs of the Santa Barbara blowout are unavailable, present estimates indicate that the costs related to the cleanup of that ongoing spill are in excess of $3.4 million.

The committee recognizes that fortunately there has been no discharge of oil from a vessel, affecting the coastal waters of the United States, which approaches the liabilities imposed by this bill. The committee, however, believes that the risk of such spills must be considered together with the possibility of major catastrophic discharges from onshore or offshore facilities or from oil drilling operations.

The committee recognizes that the limits established in this bill are not based on experience. As more information on costs of cleanup is developed, the committee expects to consider revisions of those limits.

Two factors influenced the decision of the committee relating to the level of the limit of liability: First, the increasing volume of oil being handled by an increasing number of vessels and facilities enhances the risk of major disaster, and, second, the protection of our vital water resources and shorelines is more and more imperative.

At the present time the United States has neither the administrative nor the financial authority to deal with such catastrophic events. But it is not solely the catastrophic disaster with which the committee is concerned. Incident after incident of careless, accidental, and negligent oil discharges occur every year in the United States. The latest information on spills sets forth 92 discharges of oil and other hazardous substances since January of this year. (See table on p. 59.) The cost of cleanup of these discharges has not been computed. In some cases the total effects are not known. But the evidence is clear that these discharges of oil cannot be allowed to continue without some method of assessing the liability of those who discharge that oil. While the legislative approach is complex, the intent of the committee is clear. The legislation is designed to encourage preventive action to eliminate discharges of oil wherever possible and to provide adequate authority to clean up those discharges which do occur and assess the cost on the responsible party if the Federal Government is required to exercise its cleanup authority.

FEDERAL ACTIVITIES COMPLIANCE

Repeatedly during hearings in Washington and throughout the country, representatives of local governments, industrial concerns, community and conservation groups, and the public have questioned the justification for requiring compliance with water quality standards in their activities while Federal agencies do not comply with those standards.

The committee recognizes that while the Federal Government has been charged with the responsibility to take a leadership role in controlling pollution, both by acts of Congress and Executive orders, there have been only token efforts on the part of many agencies to exercise this responsibility. Most agencies of the Federal Government have placed the environmental quality control function in a distinctly secondary role.

If the Nation is to have an effective water pollution control program or any effective environmental control program whatever, it is essential that this situation be reversed and that Federal agencies begin to consider the environmental aspects of their programs as a matter of first priority.

The argument that budget requirements restrict the ability of Federal agencies to control the waste produced by their own operations is unacceptable. Communities which are required to make massive investments on sewage treatment plants have equal, if not greater, budgetary problems. Industries likewise have difficult problems in providing the capital investment which water pollution control requires. Individuals who are required to expend funds to control wastes such as sewage discharges from vessels will have no option. In many cases communities, industries, and individuals have committed the capital to pollution control. The Federal Government on the other

hand has been reluctant to invest the funds needed to control the pollution which its activities create. In addition, Federal agencies have not been active in requiring people who do business with the Government to meet water quality requirements.

S. 7, as reported, provides an orderly mechanism for insuring that all Federal activities will comply with the philosophy and intent of the Nation's water quality program. The task that this section sets for Federal agencies both in controlling their own waste and requiring control by Federal licensees, permittees, and other related Federal activities will not be easy nor inexpensive. Nevertheless, the committee expects that it will be accomplished.

The committee recognizes, however, that not all activities will lend themselves to easy solutions and that, for some activities, specific standards and plans for their implementation have not even been proposed. One of these areas, dredging and the disposal of dredge spoil, is analyzed later in the discussion of intent of the major provisions.

While this provision may suggest a restrictive regulatory function, its primary purpose will be served by opening lines of communication between Federal agencies, those doing business with Federal agencies, and State water pollution control agencies.

The water quality standards program envisions preventive rather than abatement techniques. This provision applies a preventive technique. It should not impose a burden on any applicant for a Federal license or permit, because the committee assumes that Federal licensees and permittees, like any other organization or individual that intends to use the waters of the United States, will anticipate pollution control in the construction and modification of any facility.

The committee hopes and expects that the communication between the applicant and the appropriate pollution control agency will develop at the earliest possible time, relative to the planning of any facility which will affect water quality. Site location is integral to effective implementation of the Nation's water quality program. There are sites where no facility should be constructed, because pollution control technology is not adequate to assure maintenance and enhancement of water quality. Those who make the decision on site location should be aware of this prior to making any investment in new facilities.

SEWAGE DISCHARGE FROM VESSELS

This legislation also includes requirements that new and existing vessels install marine sanitation devices which meet performance standards and regulations set forth by the Federal Government. With the exception of technical changes and a revision of the preemption clause this section is similar to that which passed the Senate unanimously as a part of S. 3206 in 1968.

OTHER MAJOR PROVISIONS

The provision for *acid mine drainage* which was included in S. 2760 in 1967 as two sections has been combined into one section authorizing both research and demonstration and as such is substantially the same as the provisions that passed in 1967.

The provision for *clean lakes* originally sponsored by Senators Walter Mondale and Quentin Burdick has been expanded to authorize the development of necessary research facilities but is otherwise identical to the legislation which passed the Senate unanimously in 1967.

The committee was confronted with the dilemma on how to deal with the problem of *discharge of hazardous substances* (other than oil) which present an imminent and substantial endangerment to public health and welfare, but for which there is no clear clean-up authority. The record on this subject was inadequate. Information indicated that such discharges do occur and that the damage caused by such discharges is extensive. The list of discharges of oil and other materials since January of this year printed on page 59 records several discharges of hazardous substances.

S. 7, as reported, authorizes the President to designate substances which in any quantity present an imminent and substantial endangerment to public health or welfare and to require notice of the discharge of any of those substances after such designation. The President is authorized to clean up those discharges where practical. The committee recognizes that many of the substances which will be designated are water soluble or because of other circumstances cannot be effectively cleaned up. This section will primarily serve to notify downstream water users of a dangerous discharge.

The committee expects a report from the President no later than November 1970 which will discuss the types and amounts of liability which can be imposed to recover the cost of cleaning up hazardous substances. The findings of that report will be the subject of future legislation.

The committee has included in this legislation a provision offered by Senator Stephen M. Young, identical to that which was passed by the House of Representatives, to provide relief for the citizens of the *Great Lakes* who are confronted with a rapid deterioration of their vital water resources.

This section authorizes the Secretary to enter into demonstration projects for which the Federal Government will pay up to 75 percent of the cost to find new methods to control and eliminate pollution in the Great Lakes drainage basin. There is no question that this legislation is essential. The Great Lakes are perhaps the Nation's most vital water resource, yet Lake Erie is dying and Lake Michigan is causing serious concern. No Federal dollars will be better spent than those which produce effective methods to deal with the critical problems of the Great Lakes, for not only will those dollars help remedy an already critical situation but they will undoubtedly demonstrate methods which can be used to prevent the accelerated eutrophication of other lakes and reservoirs which are equally important to other regions of the country.

The committee has been increasingly concerned about the availability of *trained technical personnel* to operate sewage treatment plants. As a result of that concern the committee authorized a study of manpower and training needs in the Clean Water Restoration Act of 1966. That study was transmitted to the Congress in mid-1967 and was printed as Senate Document No. 49 on August 31, 1967. On the basis of that report, which indicated a demand for 18,500 new plant operators and the need to upgrade the skills of many existing plant

operators, and a report prepared for the Subcommittee on Air and Water Pollution by the General Accounting Office on the effects of inadequately trained personnel on the operation of federally assisted sewage treatment plants, the committee was pleased to receive and include in the bill a proposal by Senator Hugh Scott to authorize pilot programs for training plant operators and technicians.

The committee recognizes that a great deal more than a pilot program will be required if Federal funds for sewage treatment plant construction are to be invested wisely, but believes operating experience with a pilot program would provide a sound base for expanded legislation in the near future.

The committee recognizes that, despite the progress made in constructing waste treatment plants, in setting up State water quality standards, and in research and development, one vital area has been neglected, an area which is indispensable to the success of all other activities; namely, the development and training of an overall labor force to eliminate the problems of operation and maintenance. The operator has traditionally come from the bottom strata of the work force. If this program is to be successful, plant operators as well as the sophisticated engineers must be trained. Both are required to operate and maintain present and future waste water treatment facilities.

This provision authorizes programs to be carried out in cooperation with governmental units (especially State and local), educational institutions and other organizations. It is intended to supplement, rather than supplant, current operator training projects, such as those financed through Manpower Development and Training Act funds.

Moreover, this language will establish an effective system for forecasting supply and demand for manpower, professional, and other occupational categories needed for the prevention, control, and abatement of water pollution in each region, State, or area of the United States.

This title of S. 7 is as significant as any water pollution legislation ever reported by the Committee on Public Works. It provides authority to deal with a variety of critical yet definable water pollution problems. Unlike prior measures which have been reported by this committee, this legislation does not develop a new policy for water pollution control but rather provides additional tools to implement the national policy of water quality enhancement established by the Water Quality Act of 1965. This title recognizes that all of the tasks which confront the Nation, if it is to secure effective control of water pollution, cannot be solved without these additional tools. It recognizes that there are still areas in our national environmental control effort which require specific attention and specific mechanisms to solve specific problems.

Finally, it recognizes that no single bill can effectively provide a final solution to this critical national problem. While the Water Quality Act of 1965 was a comprehensive policy outline and a mechanism for developing an integrated approach to pollution control, and while the 1966 act was the funding authority which was needed to implement the guidelines set forth by the Water Quality Act, this legislation is designed to improve the ability of the Nation to cope with critical and pressing problems.

Summary and Discussion of Major Provisions

CONTROL OF SEWAGE FROM VESSELS

Waste from water craft is one of the many sources of pollution that have an impact on the water quality of our Nation. This is most severe in bays, lakes, harbors, and marinas where the concentration of vessels is heaviest and there is a minimum natural flushing of the contaminants discharged. This increasing use of our waterways will further compound these problems. The committee intends that this new section will assist in preventing at the earliest possible time permitted by existing and advancing technology, economics, and other practical considerations, the discharge into the navigable waters of the United States of raw or inadequately treated sewage from vessesl.

The Federal Water Pollution Control Act charges the Secretary with the responsibility for approving water quality standards to maintain and enhance the quality and value of our water resources. This section requires that the Secretary promulgate performance standards indicating what a sewage treatment or holding device must accomplish to be acceptable for marine use. It is intended that the performance standards be expressed in terms of specific levels. Coordination with the Commandant of the Coast Guard is required because of the practical necessity of considering marine design and other factors in the development of feasible device standards.

The general enforcement authority to accomplish this section has been vested in the department in which the Coast Guard is operating. This was done because of the similarity to other Coast Guard functions and the expertise of the Coast Guard in marine engineering. In order to insure adequate recognition of marine safety and other transportation aspects, the Secretary of the Department in which the Coast Guard is operating has been designated to develop and promulgate the regulations which pertain to the design, installation, and operation of marine sanitation devices and further to certify these devices as complying with such regulation standards. These regulations must also assure compliance with the standards of performance issued by the Secretary. It is the committee's intention that there be close cooperation and coordination between the Secretary and the Secretary of the Department in which the Coast Guard is operating in the development of the overall program.

The committee recognizes the problems imposed by the shortcomings of present technology, economic impact on commercial and recreational vessel owners, and the complexity of marine watercraft; therefore, waiver authority has been incorporated into this section which the Secretary of the Department in which the Coast Guard is operating can exercise as necessary. It is the intent of the committee that this subsection not suggest dilatory implementation but rather a practical and workable program for which maximum benefits can be realized in the shortest possible time.

The authority provided by this section is further intended to provide flexibility regarding application of standards on older vessels. Installation of marine sanitation devices on older vessels may not be either economically nor technically feasible. In some cases rigid requirements may cause early retirement of vessels which may be approaching withdrawal within a short period. In those cases where the Coast

Guard is able to determine that vessels will be retired within a scheduled period, the committee expects the commandant to use discretion in requiring compliance.

While the installation of devices may be "technically" feasible, economic feasibility may be more difficult to ascertain. The committee expects the Commandant to consult with Federal agencies involved in regulation of the merchant marine to develop an objective judgment.

The committee expects the Coast Guard to conduct sufficient research and development to assess present technology, design improved devices, if required, prepare implementing regulations for this section, and adequately enforce the provisions of this section and the regulations issued thereunder.

The committee intends that the Department of Defense take all necessary steps to comply with the standards promulgated pursuant to subsection (b). The Defense Department has a special leadership responsibility. Critical national attention is constantly focused on naval vessels, requiring pollution control to be as much a matter of public relations as public responsibility. Therefore, the committee believes the Department of Defense should take a strong leadership role in both development and application of vessel pollution control technology.

At the same time the committee does not believe it is necessary for the Coast Guard to supervise the Defense Department program. It is the intent of the committee that these two Federal agencies and the Department of the Interior develop a coordinated plan to achieve the pollution abatement objectives of the legislation. Further, the committee intends that the Department of Defense should report periodically to the Congress regarding progress in meeting and exceeding standards of performance.

The committee strongly urges the Department of Defense to request such funds as may be necessary to implement vessel pollution control, and to assist the Secretary and the Commandant by providing information on technology developed to implement the purposes of this act.

The committee recognizes that many States have moved to control inadequately treated or untreated waste discharges from vessels and lauds the efforts of those States. However, conflicting regulations and standards relative to marine sanitation devices present a hardship to recreational boaters who move between States and potentially serious restrictions on interstate movement of commercial vessels.

In order to avoid these difficulties, the committee has provided for Federal preemption of the authority to regulate the design, use, manufacture, and installation of marine sanitation devices. Federal preemption means that no State shall have authority to require any device of any kind on any vessel subject to the provisions of this section after the effective date of the standards and regulations.

The committee is aware, however, of the necessity to relate any sewage treatment control measure to existing water quality programs. Consistent with this philosophy, the committee has provided authority for the States to prohibit entirely the discharge of any sewage from vessels without regard to the regulations regarding installation of marine sanitation devices if a water quality standards plan for implementation requires such restrictive measures. This exception is not

intended to be broadly construed. A State cannot prohibit vessel waste discharges for all of its rivers, and lakes and coastal waters unless the State has in fact adopted standards which establish uses for all of those waters which require such an absolute prohibition. In effect, the committee intends that any State prohibition apply only to areas designated for protection of public drinking water supplies, shellfish beds, and areas designated for body contact recreation.

The committee expects that the States will provide alternative facilities for disposal of sewage from vessels wherever appropriate.

The committee further intends that the States should make every possible effort to inform recreational and commercial vessel owners and operators of the nature and extent of any prohibited area, so as to not interfere with commerce and at the same time protect the high use for which the water has been designated.

The committee expects that in any implementation of this exception the States will use the water quality standards procedure and submit to the Secretary, any revision of water quality standards for interstate waters including in such revision those areas where a prohibition is required to protect and enhance water quality. In this manner the intent of the committee will be more clearly carried out and those recreational and commercial vessels which move between States will be informed of any prohibited discharge area.

This provision is substantially the same as that which was passed by the Senate and the House in 1968 and provisions other than those discussed above are evaluated in the report language found in Senate Report No. 1371 of the 90th Congress which accompanied S. 2525.

CONTROL OF OIL POLLUTION

This section includes the following provisions:

1. Declares the discharge of oil to be unlawful;
2. Authorizes establishment of regulations relative to discharge and removal of oil;
3. Establishes penalties for violation of regulations and for failure to notify;
4. Provides clean-up authority;
5. Establishes liability and financial responsibilities; and
6. Establishes a $50 million revolving fund and enforcement procedures.

This section assigns the authority for water pollution control directly to the President for division among the appropriate agencies. The committee has carefully considered the various agencies with potential responsibilities pursuant to this section. It is clear to the committee that no single Federal agency can carry out the several functions authorized. For example, water quality responsibilities are vested in the Department of the Interior while general surveillance, contingency planning and oil cleanup may best be delegated to the Secretary of the Department in which the Coast Guard is operating. The financial responsibility section, which will require evidence of the ability of vessels owners and operators to cover up to $100 per gross ton of liability in the event of a discharge, may most appropriately be delegated to the Federal Maritime Commission, which has experience in this area. It may be appropriate, in certain navigable waters, to utilize the facilities of the Corps of Engineers for both

notification, enforcement and removal. The number of agencies which potentially would be involved in the event of a catastrophic discharge including the Office of Emergency Preparedness, the Bureau of Commercial Fisheries, the Bureau of Sport Fisheries and Wildlife and others, makes it abundantly clear that the President needs broad authority to most effectively implement this act.

The committee expects the President will delegate the primary regulatory authority provided by subsection (b)(1) to the Secretary of the Interior in order to assume that any regulations which allow the discharge of oil will adequately consider the ecological impact on the water environment of such discharges. Because these regulations will require consideration of applicable water quality standards, the committee believes that the Secretary of Interior is most capable of establishing discharge regulations consistent with those standards. At the same time the committee expects the Secretary of Interior to consult with the Commandant of the Coast Guard in issuing such regulations in order to assure that they will be consistent with maritime safety and with marine and navigation laws.

The committee expects water quality consideration to be second only to the health and safety of the people in dealing with an oil spill. The development of any techniques to disperse oil must necessarily be approved by the Secretary in order to assure that the corrective measure is not more damaging than oil itself. To this end, in a separate section of this bill, the Secretary is given broad research authority to conduct studies, experiments, and demonstrations of methods for the removal of oil. The Secretary's prime responsibility is to water quality needs and protection of the water environment.

The committee feels that proper enforcement will be the primary factor in successful implementation of this section. Among the more important of these provisions are detection, investigation, and processing of violations, removal of oil spills when required, surveillance both for enforcement and removal purposes, and the development of district contingency plans to organize local responses to pollution incidents. For each of these tasks the Coast Guard is well qualified by its personnel and material resources.

The Coast Guard has enforced Federal laws on U.S. waters since its establishment in 1790. It has been the lead agency in enforcement of various Federal laws pertaining to water pollution, including the Refuse Act of 1899 and the Oil Pollution Acts of 1924 and 1961. The Coast Guard's primary responsibility is to develop effective means of removal of oil without conflicting with environmental needs.

One source of spills which is most difficult to police and of great concern to the beach owners and users is the indiscriminate bilge pumping and tank flushing at night by vessels along the coast. Enforcement techniques to police this illegal activity must be developed and surveillance increased. The committee expects that necessary funds will be requested to carry out this expanded function. Also the committee expects penalties for failure to notify of discharges to be prosecuted vigorously in order to indicate the undesirability of indiscriminate dumping of oil. Pollution violations can be efficiently detected and investigated in the course of other Coast Guard activities, and the frequent sight of Coast Guard forces can serve as an effective deterrent to potential polluters.

The committee intends that the Coast Guard should be assigned primary responsibility for on-the-scene coordination of cleanup activity under this section.

The committee intends that the Coast Guard be designated to develop district contingency plans. Since many of the water pollution spills occur in areas where maritime transportation is concentrated, the Coast Guard is well organized to develop response activity. These contingency plans should be developed within the framework of the National Contingency Plan and in consultation with the other agencies signatory to the national plan. The committee is concerned by the absence of approved contingency plans below the national level and therefore stresses that local and regional planning should be accomplished on a priority basis with maximum cooperation with industry, and State and local governments. The committee is concerned by evidence received during its hearings in Santa Barbara to the effect that the oil companies had developed a contingency plan without consultation or assistance from appropriate Government agencies. This procedure is unacceptable and should be eliminated.

This section states categorically that the discharge of oil into the navigable waters of the United States, the adjoining shorelines, or into or upon the waters of the contiguous zone is prohibited. It provides exceptions as required under article 4 of the International Convention for the Prevention of Pollution of the Sea by Oil and general authority for the President to issue regulations permitting discharges in certain quantities at times and locations as conditions and circumstances may allow. In general, the committee assumes that the discharge of oil in any quantity may be hazardous to fish and wildlife, beaches, and boats, docks, and other facilities. However, there may be circumstances where the discharge of oil occurs in an emergency imperiling life. It should be noted that, although such a discharge may not be subject to a civil penalty, an owner or operator may still be liable for the costs of cleanup. Regulations should be developed to provide for this type of discharge.

The committee also recognizes water quality standards may provide for discharges of certain quantities of oil. Consistent with this philosophy, the committee expects the Secretary of the Interior to develop water quality standards for the discharge of oil into or upon the contiguous zone. Also the committee expects the Secretary to urge the States to develop and submit for approval standards for the discharge of oil for the coastal and interstate navigable waters where such standards have not already been promulgated. The States should also develop standards for other navigable waters as a guide to the Secretary.

With this in mind, the committee proposes that any regulations regarding the discharge of oil be consistent with applicable State water quality standards, rules and regulations. This provision makes clear the States' responsibility in administering its water quality standards. Specifically the word "consistent" has been placed in this subsection so that the Secretary will have as his guide the present State water quality standards.

In this manner, industries and vessels utilizing the navigable waters of the United States and the contiguous zone will be apprised of the established limits in oil discharges and be aware of the extent to which notification of a discharge will be required. In the interim

period, while standards and detailed regulations are being developed, the committee expects the President, through the Secretary of the Interior, to develop guidelines for the reporting of oil discharges including the limits on the amount of oil which may be discharged, the appropriate agency to which the discharger should report, if a spill occurs, and approved methods of removal.

Discharge penalty

The discharge penalty as set forth in paragraph 2 of subsection (b) is provided primarily for two reasons. First, there are those discharges which do not lend themselves to effective cleanup and yet present a hazard to water environment.

Often these discharges come in the form of indiscriminate dumping along the coast during the night or accidents along the navigable waterways. This penalty, while it should be implemented with discretion, should be useful in discouraging oil spills.

The notice requirement as set forth in subsection (c) is critical to effective implementation of the act. The committee intends that this provision be strictly enforced. Only through acknowledgment of the requirement to notify the appropriate Federal agency can removal be commenced early enough to reduce damage and assure effective implementation of the statute. The committee intends that enforcing agencies assume that persons in charge of vessels and on-shore and off-shore facilities will have knowledge of a spill and therefore cases where such persons fail to notify due to lack of knowledge should be rare.

Regulations for procedures and standards

The President is granted broad authority to issue regulations relative to procedures and methods for preventing discharges, methods of removal of discharged oil, and development and implementation of oil removal contingency plans.

It is the intent of the committee to provide some uniformity in dealing with oil spills in order that owners and operators of vessels and on on-shore and off-shore facilities (a) know what is required of them in removing any discharge, (b) effectively and rapidly move to clean up the discharge and (c) coordinate their activities with the appropriate Federal, State, and local agencies. Especially important in regard to this subsection is the development of criteria which indicate the types of equipment which can be used safely to remove oil and the types of chemicals which can be used for dispersal.

Contingency planning for a major oil spill is critical to effective implementation of the Act. The committee expects that the Commandant of the Coast Guard will coordinate his activities in developing contingency plans with appropriate agencies of State and local government and with potential oil spill sources. Because information on acceptable procedures for prevention of oil discharges and methods of cleanup, is limited, it is anticipated that the regulations established pursuant to this section will be periodically reviewed and updated to take into account new information and new technology.

Penalty for Violation of Regulations

The bill provides a $1,000 penalty for an owner or operator of a vessel, or onshore or offshore facility, who fails or refuses to comply with regulations set forth pursuant to the previous paragraph. While it is not the intent of this paragraph to be confiscatory, the committee

intends to assure that the methods used to clean up oil discharges are consistent with the overall water quality goals of the program, as well as the contingency plans which have been developed in consultation with owners or operators of vessels and onshore and offshore facilities.

General Liability

S. 7 provides an opportunity for the owner or operator of a vessel or onshore or offshore facility to immediately remove any oil discharged. It is the intent of the committee to encourage removal of oil by the owner or operator of the discharging source.

In many instances, the owner or operator of a vessel or onshore or offshore facility will know of a discharge prior to any agency of the U.S. Government and be in the best position to take early action to prevent or minimize damage. As testified to by the oil and shipping industry it will be in the best interest of the owner or operator to take immediate measures to reduce damage from an oil spill.

At the same time, the committee does not intend to restrict the authority of the President to act to remove oil that has been spilled. In those cases when the owner or operator is not capable of cleaning up the discharge, or the owner or operator refuses to clean up the discharge, or, does not adequately clean up the discharge, the committee expects the President to act to remove the oil to prevent damage and decrease cost.

Vessel liability

The bill imposes liability for the costs of removal on owners or operators of vessels which discharge oil into the navigable waters of the United States or adjoining shorelines or into the contiguous zone. The liability is measured per vessel, per owner, per discharge. In the case of a barge tow, each barge in the tow and the powered vessel or vessels are considered to be separate vessels.

It is the intent of this subsection and succeeding subsections relative to onshore and offshore facilities and onshore and offshore drilling-production facilities to recognize the hazardous nature of an oil discharge and the extraordinary, adverse effect such a discharge may have on fish and wildlife, beaches, and public and private facilities.

The committee has set a liability on vessel owners of $125 per gross ton of his vessel or $14 million, whichever is lesser. This amount is adequate, according to the best information available to the committee, to cover the cost of the most expensive oil spills, while at the same time not placing an unreasonable insurance burden on vessel owners. Parenthetically, it should be noted that the outer limit of $14 million is adequate to cover the (cumulative) liability, at $125 per gross ton, of any vessel in the American-flag fleet or any other vessel capable of using the ports of the United States at the present time.

If an oil spill occurs, the committee expects that the owner or operator will take such action as may be necessary, following notification, to immediately clean-up the discharge. If the owner or operator fails to do so and the United States is required to act, then the United States is authorized to collect its cost up to the limit of liability or, if the United States is able to prove that the discharge was the result of negligence or a willful act, all costs regardless of limit of liability. If the owner or operator cleans up an oil discharge and later is able to prove that the discharge was caused solely by (a) an act of God, (b) an act of war, (c) negligence on the part of the U.S. Government,

or (d) an act of a third party, he may recover reasonable clean-up costs from the United States in an action before the Court of Claims.

Financial responsibility

The bill establishes a mechanism whereby the U.S. Government can be assured that vessels using the waters of the United States are financially able to pay clean-up costs incurred by the U.S. Government up to $100 per gross ton of the largest vessel owned or operated by a person. It requires that any vessel over 300 gross tons, including any barge unit of equivalent size, establish and maintain evidence of financial responsibility. The figure of $100 is based on the committee's belief that absolute liability as imposed with exceptions is similar to the concept of liability based on negligence with a reverse burden of proof and therefore should be insurable to a similar level. The figure reflects an attempt by the committee to assure maximum protection to the U.S. Government while not requiring uninsurable evidence of financial responsibility. This subsection further sets forth the methods by which evidence of financial responsibility shall be issued by a bonding company authorized to do business in the United States and provides the United States with authority to bring action directly against an insurer to recover the cost incurred by U.S. Government cleanup.

On- and offshore facility liability

The committee had differentiated in its consideration of on- or offshore facilities as between those facilities which are involved in the drilling and production of oil and those facilities which are utilized for the purpose of processing, transporting, transferring or storing oil. The intent of this distinction is to recognize that the latter facilities have a fixed amount of oil which can be discharged, while drilling and production facilities can discharge unknown quantities of oil. Secretary Hickel, for example, testified that a well off the coast of Alaska pumped gas for 14 months. He noted that had that been an oil well, "You would have had oil from the Arctic to the Antarctic."

The committee also established this distinction on the basis of the ongoing oil discharge problem at Santa Barbara, recognizing that there are no adequate statistics on actually how much oil has been released nor is there any indication as to when this discharge will be abated. The amount of oil capable of being discharged onshore and offshore facilities other than drilling and production facilities can be calculated. For both types of on- and offshore facilities the committee established a liability standard similar to that set forth for vessel liability. Liability is limited to $125 per ton of oil which any processing, transporting, or transferring facility can pass through in a 24-hour period or which the largest unit of any tank farm could store at a given time. The figure established for limit of liability under this section intends to be consistent with the oil pollution liability established on vessels and has its origin in figures given the committee concerning the cost of removal of a barrel of oil. For on- and offshore drilling-production facilities the committee established a figure of $8 million. While not directly related to any known spill from an onshore or offshore drilling-production facility this figure is one that the testimony indicates can be insured and is approximately twice the amount which has been expended to this point in time in cleaning up the ongoing discharge at Santa Barbara.

As is the case with vessels, if the owner or operator of any onshore or offshore facility or onshore or offshore drilling-production facility can prove that the discharge was caused solely by (*a*) an act of God, (*b*) an act of war (*c*) an act of a third party, or (*d*) an act of U.S. Government negligence he may recover reasonable cleanup costs from the United States.

Revolving fund

S. 7 provides for the establishment of a $50 million revolving fund to be made available to any of the designated Federal agencies to carry out the purposes of this section. The committee intends that the revolving fund be utilized to reimburse any owner or operator who has expended money for his cleanup operation and has later proved that the discharge was caused solely by one of the exceptions. Also the funds should be available to reimburse any State or local government which may have undertaken the cleanup activity with the approval of the designated Federal agency. Such funds as may be received by the United States from reimbursement of Federal cleanup costs are to be deposited in the fund as are any funds received from fines or penalties under this section.

Recovery from the United States

As discussed above, whenever an owner or operator removes the oil and can prove that the discharge was caused solely by one of the listed exceptions, the owner or operator may recover reasonable costs of cleanup from the United States. The bill provides that an owner or operator will have first cause for action against any third party which may have caused the discharge and specifically indicates that the provisions of this subsection do not apply to any liability standard established pursuant to the Outer Continental Shelf Lands Act.

The committee discussed application of the liability limits to offshore facilities located on the Outer Continental Shelf but determined that there is adequate regulatory authority vested in the Secretary of the Interior pursuant to the Outer Continental Shelf Lands Act.

Emergency action

S. 7 provides authority for the President to act to remove any vessel which in his judgment presents an imminent and substantial endangerment to public health and welfare because of an actual or threatened discharge of oil into or upon the navigable waters of the United States. This is general and broad authority modeled after authority of the Secretary of the Army to move obstructions to navigation. The committee intends, however, that every precaution be used in the exercise of this authority. At all times the committee expects that the President or his delegate will provide an opportunity to the owner or operator of a vessel to remove a vessel or take such other action as may be warranted to protect the public health and welfare.

The President is authorized to seek an injunction against any actual or threatened discharge from an onshore or offshore drilling production facility or an onshore or offshore facility. Again the committee expects that this authority will be used only in those instances where State or local police action has failed and where the owner or operator is either unable or unwilling to control the actual or threatened discharge.

Other authority not affected

The bill gives general recognition that its provisions do not affect the existing authority of other Federal agencies relative to on- or offshore facilities under the provisions of this or any other act or affect or modify any State or local law not in conflict with the provisions of this section.

The committee expects that Federal agencies with authority over on- and offshore facilities, on- and offshore drilling production facilities will continue to exercise that authority under the provisions of other law. Also the committee does not intend to preempt those provisions of State law which are not in conflict with the bill. For example, the committee understands that some States have established absolute liability without limits on oil discharged from State-leased offshore oil facilities in the tidelands. The committee does not intend that any provision of this law should effect the right of the State to include such provision in its lease or otherwise provide such liability. At the same time the committee intends that the provision of this section shall preempt any State or local law which provides for less stringent liability. Finally, the committee does not intend that an owner or operator should be obligated to both the U.S. Government and the State government except to the extent that costs are incurred by both.

HAZARDOUS SUBSTANCES

During hearings on S. 7, recommendations were made to include hazardous substances with oil in the operative provisions regarding discharge removal notice, and liability. After extensive study the committee concluded that hazardous substances could not be covered in the legislation in a manner similar to oil. Many and important differences exist and yet the following examples indicate that the discharge of hazardous substances into the navigable waters of the United States does present a threat to the public health and welfare.

In January of 1968, a spill of chemicals into Buck Creek in Indiana caused a large fish kill in 65 miles of the stream. More recently, a spill of a hazardous substance occurred on July 9, 1969, when acid leaching material, about 450,000 gallons, was released into the San Francisco River where 50,000 dead fish were counted in the first 4 miles of the river within 10 hours of the discharge. It should be noted that in 1968, the largest fish kill on record in the United States occurred on the Allegheny River, Bruin, Pa., where 4 million fish died. In this instance a petroleum refinery lagoon overflowed, releasing toxic chemicals into the stream. Also, the recent discharge of 200 pounds of Thiodan, an insecticide, caused a massive fish kill in the Rhine River.

Two principal differences exist between oil and hazardous substances that form the basis for drafting the hazardous substance provision of S. 7. First of all hazardous substances require definition or designation.

The Water Quality Act established a procedure to control industrial, community, and other effluents. Many of these discharges, if uncontrolled, would present a substantial endangerment to public health and welfare. As initially proposed, so-called hazardous substance discharges could fall within the category of normal discharges which

are being brought under control pursuant to plans for implementation of water quality standards.

The committee believes that there is an important distinction between such normal discharges and massive spills and, further, that more information is necessary to effectively define the amounts and types of substances which, when discharged in any quantities, would endanger health and welfare.

Conceivably it could include untold numbers of chemicals, materials, foodstuffs or whatever, and therefore, if the public is to know what materials are, in fact, hazardous to health and welfare, substances must be designated after a procedure enabling public participation and formal designation. Consequently, the committee has granted to the President the authority to perform the necessary research, and further has set out an administrative procedure for the designation of such substances including publication in the Federal Register, opportunity for a hearing and appeal to the courts. It is important to note that the FWPCA has already published a list of some 51 substances as hazardous. These, of course, would require designation pursuant to the procedures of S. 7 before the discharge of such substances would fall under the provisions of S. 7.

The second important difference between oil and hazardous substances is in the nature of the substances. Many hazardous substances, unlike oil, are soluble in water and therefore not subject to standard techniques of removal. Consequently, removal liability would not be applicable in some instances or at least raise substantial questions about removal techniques and costs. Therefore, the committee has authorized the President to conduct an accelerated study of the methods and techniques of imposing removal or other types of liability on dischargers of hazardous substances, and, further, to make recommendations for legislation based thereon. Certain hazardous substances can be rapidly and extremely harmful to health and public welfare and, where discharged into water, can be quickly disseminated to unknowing water resource users, especially water supply and public bathing. It is essential that a procedure be developed to enable the rapid circulation of information concerning such a discharge. The committee has provided for this by requiring a discharger to immediately notify the United States of such discharge under a criminal sanction.

ACID AND OTHER MINE DRAINAGE POLLUTION

Acid and alkali pollution discharged into various local watercourses, are carried by the natural flow of stream systems into major river basins, thus creating extensive intrastate and interstate pollution problems.

The specific impact of mine drainage pollution is characterized by "stream sterility": the normal stream and river ecology, or balance between living organisms and their environment, is disrupted by the presence of large volumes of acid or alkali mine drainage wastes. These wastes are products of chemical reaction between air and water and the minerals found in and around ore deposits. Coal mine drainage pollution is primarily in the form of sulfuric acid and the dissolved salts of such metals as iron and aluminum. When these wastes reach a watercourse, the iron salts undergo hydrolysis in the receiving water,

producing an ugly yellow or orange brown precipitate (iron hydrate) known as yellow boy.

Mine drainage can present a serious pollution problem because of the great quantities involved, whether acid metallic salts, precipitates or alkalinity. Acid mine drainage can be the most serious problem by far.

It has been estimated that 3.5 million tons of acid are discharged into well over 6,000 miles of the Nation's major streams, resulting in damage to aquatic life and potential severe loss of the recreational capacity of those affected waterways. The impacts of acid pollution are compounded when less-than-major damage is considered. The many acid seepage areas around mines are barren of plantlife to such an extent that as much as 1,000 times as much sediment is washed from them into streams by erosion than from forest- and grass-covered lands. In addition, there are more than 30,000 surface acres of impounded waters and reservoirs which are seriously affected by surface and subsurface mining operations.

Of the 5,700 miles of acid mine drainage-polluted streams in Appalachia, over 75 percent occur in portions of Pennsylvania, West Virginia, Ohio, and Maryland, drained by the Allegheny, Monongahela, Susquehanna, Delaware, and Potomac Rivers.

Extensive water quality investigations in Appalachia revealed widespread acid mine drainage pollution. In the relatively small Kanawha-New River system in West Virginia, approximately 67 million gallons of acid mine drainage water enter the river system every day. The total for West Virginia is 360 million gallons per day. A single large coal mine may discharge as much as 10 million gallons of water a day. Over 20,000 abandoned mine openings thus pose a serious pollution threat to streams, lakes, and reservoirs.

Acid mine drainage is especially destructive to fish and other aquatic life. It corrodes piping and treatment plant facilities. Associated discolorations and precipitates render the streams unappealing and offensive. Fishing and recreational uses are eliminated or seriously curtailed.

The most serious problem associated with acid mine drainage pollution is the fact that 80 percent of acid mine drainage comes from abandoned and inoperative mines. Though laws and regulations in some States control present and future mining operations, there appears to be no simple way to achieve control over the thousands of abandoned mines.

Well over 90 percent of this land is in private hands, which places institutional and financial limits on the abilities of State and local government units to deal with the problem. Houston R. Wood, Jr., assistant chief of the West Virginia Division of Water Resources, testified that due to restrictions in the mining area restoration provision of the Appalachian Regional Development Act of 1965 to lands in public ownership, West Virginia could not avail itself of allocated funds. Some arrangement must be devised whereby States can mount far-reaching programs of reclamation and acid drainage control, by the use of easements or other similar techniques. The committee does not recommend the outright purchase of lands just for the purpose of controlling drainage from abandoned mining activities.

Research, development, and demonstration should proceed along two primary pathways. The most effective and economic treatment processes should be involved and at-source control technology should be developed and demonstrated. Answers provided by research and development may result in a significant reduction in cost for cleanup of mine drainage pollution and subsequently reduce the cost of damages. The impact of these potential savings is increased by the fact that a major portion of the problem is associated with economically depressed areas.

There is a variety of techniques for sealing and/or flooding mines, preventing air and water exposure of pyritic materials, and preventing the egress of polluted water. Generally, however, the very mechanism by which acid is produced initially keeps these techniques from being entirely satisfactory. Research has produced a number of control proposals, some of which (including advanced grouting techniques) show considerable promise. Some appear ready for limited application in selected situations; others are ready for pilot plant or single-unit scale application.

The possibility of employing more advanced techniques to alleviate the problem has recently been explored. Considerable research is required to develop a clear understanding of the mechanisms involving the related kinetics, the role of bacteria, and the feasibility of treatment techniques such as neutralization, reverse osmosis, electrodialysis, and ion exchange. Preliminary data have shown that many, or all, of these treatment processes will be of value in reducing acid pollution.

New methodology for the control of mine drainage at the source must be developed; existing techniques must be refined and demonstrated, and the costs for large-scale application must be more closely defined. Methods requiring research and development alteration include air sealing, mine flooding, drainage diversion, chemical inhibition of pollutant formation, and injection of mine drainage to underground rock formations.

Though much research has been carried out, Federal efforts have been sporadic and poorly coordinated until recently, and current programs of practical scale reclamation are not nearly ambitious enough to meet the problem. State efforts have almost uniformly been directed at surface mining, through control of current mining operations, and very few States have made attempts to reclaim abandoned operations. Thus the bulk of the problem lies outside of their present attention.

Federal action, although still disjointed, is attempting, with the aid of private industry and some of the States, to fill the gaps with approaches to the knottier problems. Testimony strongly suggested that the cooperative State-Federal effort envisioned in the demonstration provisions of this bill would be an important step toward overcoming these gaps.

There are also areas in which our abilities to deal with acid mine drainage are fairly well developed, and where areawide demonstration projects would provide the opportunity to show ways of putting these techniques together into coordinated attacks. In Dr. Abel Wolman's 1966 report to the Research Management Advisory Panel of the House Committee on Science and Astronautics, he observes:

> Substantial sums are being devoted to rather detailed and long-term survey and research projects. In view of the fact

> that certain empirical practices have already been proved to be efficacious in minimizing acid mine drainage, the public interest may be better served if a greater portion of the Federal funds were employed at this time in an effort to secure immediate benefits (hearings on the "Adequacy of Technology for Pollution Abatement," p. 492).

Finally, a definitive evaluation of the role acid pollution abatement will play in the total pollution control program must be developed. Only by continuing present research, engaging new and more sophisticated techniques, and by instituting new laboratory and demonstration-level projects can this overall evaluation be realized, and can acid pollution be rendered a "thing of the past."

The bill would add a new section to the act authorizing the Secretary of the Interior to make grants to any State, municipality, or intermunicipal or interstate agency for the purpose of assisting in the development of projects for the demonstration of feasible and practical areawide methods of controlling acid pollution resulting from mining activities.

These projects should demonstrate for an entire watershed the kind of abatement techniques, land management, and water management necessary to eliminate pollution from acid and other mine water pollution. In selecting the watershed or drainage area for the project, the bill requires the Secretary to give preference to the areas which have the greatest public values and uses, and to take what measures he deems appropriate to satisfy himself that the selected project area will not be adversely affected by the influx of acid mine pollution from nearby sources. Clearly, the project would not be effective if it could be demonstrated that the acid mine pollution in the project area could be controlled, but such pollution originating outside that area could not be controlled. If there is such pollution coming from within and without the project area, the Secretary should satisfy himself that the project will demonstrate an effective and practical method of control of all such pollution.

In choosing such an area, the Secretary will make studies including an inventory of acid drainage sources within the watershed, downstream water uses, the benefits of pollution control, engineering and economic feasibility of locating the project in that area, and the feasibility of protecting the area from future damage once remedial measures have been employed. In choosing drainage areas, consideration would be given to potential public uses such as water supply, fish and wildlife enhancement, and recreational values, and in areas where land has been lost to agriculture through mining activities, the potential for demonstrating reclamation to agricultural uses.

In this connection it should be noted that upon recommendation of the Committee on Public Works, Congress directed in the Appalachian Regional Development Act of 1967 that the Appalachian Regional Commission, in cooperation with the Secretary of the Interior, survey the extent and impact of acid mine drainage in Appalachia. The findings and recommendations in that survey, in the opinion of the committee, should be carefully considered in carrying out this program, particularly in initiating plans for comprehensive action programs in priority watersheds.

Another key provision of the bill directs the use of "various abatement techniques" for acid mine water elimination or control rather

than limiting the approach to a particular process. In considering the possible solutions to an areawide problem, it may be necessary to use a combination of techniques. The techniques used and the relative importance of each will vary from area to area.

It is expected that with Federal leadership these basinwide projects will attempt to demonstrate solutions to the more difficult problems associated with acid mine drainage. In addition to these projects related to abandoned mines, attention should be given to problems such as drainage from gob and waste piles and pollution from roads built with pyritic materials.

In the Appalachian areas where the acid mine drainage problem is most severe, quality agricultural land is at a premium. Much of this land has been disturbed by surface mining and depositing of slag and gob wastes.

Recreational opportunities in the Appalachian area have been limited by the relatively small number of natural lakes. Recreational developments in these area demonstration projects might well be planned so as to include lakes in the reclamation-control demonstrations, thus enhancing the possibilities of the water-based recreation Americans prize.

The State contribution to the costs of area demonstration projects can be met in cash, or in kind, such as land, goods, or services. It is hoped that wherever possible, a cash share will be offered by the State, but selection of demonstration areas should be based on their potential for significant demonstration, apart from considerations of State and local cash contributions.

Much concern has been expressed over the failure of earlier programs of control of mine acid drainage. These earlier programs, notably the WPA efforts in the 1930's, were Federal projects not followed up by the States. Most of the States involved were not financially able to bear the burden of maintenance over 30 years. Thus, an investment has been wasted, and acid mine water issues from once-sealed mines.

The act directs that Federal participation shall be conditioned on the State providing legal and practical protection to demonstration areas, assuring the prevention of future acid mine water pollution problems from the area. The Secretary, in discontinuing Federal participation in the project and maintenance, should again be assured that the States or a private authority will maintain demonstration projects where there is a lasting public value.

The appropriation of this money "to be available until expended" is especially important. These programs cannot be limited to a specific short-time period. Any time limitation could seriously impair the detailed planning and legal efforts that must precede the actual fieldwork, as well as the proper execution and evaluation of the various processes necessary to do the job.

GREAT LAKES DEMONSTRATION

This bill would authorize a special demonstration program to attack the unique and critical problems of the Great Lakes region. This program is in addition to the program authorized in the legislation to control lake pollution or lake eutrophication. Twenty million dollars is authorized to enter into agreements for State and local agencies to carry out severally or jointly demonstration projects to

eliminate or control water pollution in the Great Lakes. The States or local agencies would share in this cost.

Most of the States adjoining the Great Lakes have already undertaken significant programs to control pollution, which indicates their willingness to meet their obligations in this intergovernmental effort.

The Great Lakes are surrounded by a dense population and are confronted with a rapidly deteriorating water pollution and water supply problem. Special efforts are needed by all levels of government to accomplish substantial remedial action in order to avoid irreversible deterioration of the water quality of the Great Lakes.

FEDERAL ACTIVITIES COMPLIANCE

Existing law declares it to be the intent of Congress that all Federal departments, agencies, and instrumentalities shall comply with water quality standards. This declaration of intent has proved unsatisfactory. One basic thrust of S. 7 is to require that all activity over which the Federal Government has direct control—federally conducted activity, including by lease or contract, or federally licensed or permitted activity—be carried out in a manner to assure compliance with applicable water quality standards.

It has been brought to the committee's attention that the provisions of section 16(a) and 16(c) of the bill may adversely affect dredging operations essential to navigation. At the outset the committee would like to make it clear that under the provisions of the bill, all dredging, Federal, State, or private, shall be subject to the same standard: compliance with applicable water quality standards.

In enacting section 10(c)(3) of the Water Quality Act of 1965 Congress directed that water quality standards be prepared, considering in the words of the act, "their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses." The committee has taken the further step of adding language in section 10 of the basic act to specifically include navigation.

Although turbidity is included as a measure of water quality in existing water quality standards, the committee has been informed that, with one exception, such standards were not drawn to accommodate or otherwise consider temporary turbidity resulting from dredging and disposal of dredge spoil. Consequently, the committee expects the Secretary to develop and issue to the States criteria providing for the establishment of standards for temporary turbidity resulting from dredging and disposal of dredge spoil. Such criteria should also include information on other contaminants found in dredge spoil and the potential effects of such contaminants on the receiving waters. The committee has noted the specific provision dealing with dredging turbidity in the approved water quality standards of Michigan as one approach to the problem. The committee expects the States to review their existing water quality standards to deal with problems of temporary turbidity where necessary to conform with the intent of section 10(c)(3) of the basic act as amended by this bill.

In order to accomplish the objective of providing for essential dredging without adversely affecting water quality, the committee expects the Secretary to provide the States with the technical assistance required to evaluate both the real and potential pollution associated with dredging and disposal of dredge spoil. Such technical

assistance should include analysis of dredging and spoil disposal techniques, analysis of areas and materials to be dredged, and the effects of disposal of spoil in submerged areas. The "pilot study" of dredging and water quality problems in the Great Lakes being conducted by the Corps of Engineers should be of material assistance in this effort.

It should be noted that nothing in this bill should be construed as requiring the disposal of all dredge spoil on land. Where such spoil is determined to be nonpolluting and where such turbidity does not cause long-term environmental damage and does not interfere with other uses protected by public policy, and where a short time after disposition in water such spoil ceases to cause turbidity, such spoil may be properly discharged into lakes or rivers where permitted under appropriate State or Federal license.

The committee further expects that in the interim period during which the States will be reviewing their water quality standards relative to dredging activity, no arbitary or unreasonable restrictions shall be imposed on dredging essential for the maintenance of interstate commerce and that, consistent with the intent of this act, the committee expects the dredging and disposal activities of private dredgers and of the U.S. Army Corps of Engineers will be treated in a similar manner.

The bill provides that Federal disposal facilities may be made available to private dredgers with suitable arrangements for reimbursement. The committee also urges the States, in order to minimize potential economic disruption, to make every effort to assist in the designation and acquisition of dredge spoil disposal areas, both on land, diked areas, and usable submerged areas. To the extent feasible, both the Corps of Army Engineers and private dredgers should develop prior agreements with the States on such sites and the nature of spoil to be deposited in those sites.

The committee does not intend the provisions of section 16(c) to apply to the multitude of individual licenses and permits which may be issued by the Federal Government. Among licenses which would be exempt from the provision of this subsection are those granted to ships' masters and certain Atomic Energy Commission licenses. For example, applications for materials licenses from the AEC—that is, for the use, possession, transfer, etc., of radioactive byproducts and other nuclear materials—generally will not be subject to the subsection's requirements. Almost all such licenses are for activities which are not intended to result in discharges or otherwise affect the waters of the United States. Most are for radiography, process control, calibration, teletherapy and other medical uses, gaging, and so on where there may be small amounts of liquid effluents discharged into municipal or similar waste disposal systems for eventual discharge into navigable waters, but normally not a discharge directly into adjoining water bodies.

In the case of licensed activities such as these, where any discharge will be in minute amounts and will not be disposed of directly into any adjoining river, stream, or other body of water, the license for any such activity is not intended to be subject to the requirements of subsection (c). However, where the activities under any such license will result in the discharge of wastes directly into U.S. waters—as, for example, may be the case in connection with the processing and fab-

rication of "source material"—license applications for such activities are intended to be subject to the subsection's requirements.

It is the intent of the bill that all activities, facilities, and property under Federal jurisdiction shall comply with applicable water quality standards. It provides: (1) for compliance with water quality standards in accordance with an approved plan for implementation and (2) an authorization for appropriations necessary to fulfill the mandate of Congress to comply with water quality standards. It further retains existing language on the mechanics for the incorporation of Federal agencies into the abatement proceedings of section 10 of the Water Pollution Control Act, as amended.

The bill would add the requirement that those Federal agencies that (1) lease Federal property or facilities, or (2) contract for the operation of Federal property or facilities, or (3) contract for the entire operation of any facility, private or public, shall insure compliance with applicable water quality standards in any such activity. In order to avoid duplication, the bill further provides that when any activity covered is also subject to a license or permit under subsection 16(c), a certificate of compliance pursuant to subsection (c) shall fulfill the requirements of subsection (b). An example of this type would be a licensee of the Atomic Energy Commission which leases nuclear materials from the United States.

Where a Federal agency has jurisdiction over property which is operated by a cost-type contractor, leased for the benefit of the United States, it is intended that the agency insure compliance in accordance with section 16(a)(1).

The intent of the bill is to provide that all activities and facilities which may result in any discharge into the navigable waters of the United States and that are constructed, operated, or conducted pursuant to a Federal license or permit under any law of the United States shall comply with applicable water quality standards. The bill intends to achieve this purpose by making the granting of all Federal licenses and permits contingent on a certification from the State in which the discharge occurs, or where appropriate, the Secretary or an interstate agency, that there is reasonable assurance that such facility or activity will comply with applicable water quality standards. In addition to setting out this basic requirement, paragraph 1 of subsection (c) provides for (1) certification from the Secretary in any case where water quality standards are not approved, (2) time requirements in the certifying procedure, and (3) a mechanism to allow consideration by States, other than the State in which the discharge occurs, whose waters may be affected by the discharge. The paragraph also provides for including in the Federal license or permit conditions to achieve compliance. This paragraph requires that the licensing or permitting agency hold a hearing at the request of the applicant on conflicts between the conditions of State certification and any conditions which the Secretary may require. The purpose of this hearing is to insure that water quality objectives are protected while not placing an unreasonable burden on the applicant. However, the Federal agency must include conditions as a part of any license or permit which are at least as stringent as the certifying State. In order to insure that a certification is based on full information, and

that compliance will in fact be achieved, paragraph (1) of subsection (c) requires licensees or permittees to provide the certifying authority with notice of any change in the proposed facility or activity that may affect water quality.

For those activities which require more than one Federal license or permit (such as a nuclear powered electric generating facility which requires both a construction and operating license and may require certain permits from other Federal agencies), paragraph (2) of subsection (c) provides that a certification for one license or permit satisfies the requirement for other Federal licenses or permits for the same project unless a certifying authority has notified the licensing agency that, because of a change in (1) the nature of the activity, (2) the design of the facilities, (3) the natural characteristics of the waters into which such discharge is made, or (4) the water quality standards applicable to such waters, there is no longer reasonable assurance of compliance with water quality standards.

In many instances where a Federal license or permit for an activity or facility is issued, the licensed or permitted activity or facility may not be, in fact, the same facility or activity that was the subject of review at the time of permitting or licensing because of a lapse of time or changed circumstances. Consequently, paragraph 3 of subsection (c) provides that prior to the operation of any facility or activity, not subject to a Federal operating license or permit, the licensee or permittee shall provide the certifying authority an opportunity to make a final review to determine if such facility or activity will, in fact, be operated or conducted in compliance with applicable water quality standards. If the certifying authority finds that the operations of such facility or activity will not comply with applicable water quality standards, the certifying authority may notify the Federal licensing or permitting agency, which agency is required to suspend or revoke the license or permit until notification of reasonable assurance of compliance.

Paragraph 4 of subsection (c) provides that the Federal licensing or permitting agency may suspend or terminate a license or permit for any facility or activity that has been found by a court of competent jurisdiction to be in violation of applicable water quality standards. It is the intent of this paragraph to require the suspension or revocation of the permit by a Federal licensing agency unless the court order provides for remedial action that will bring about compliance with water quality standards. Court action is specified in order to assure consistency with existing enforcement provisions of section 10(c)(5) of the act and similar State procedures.

Paragraph 5 of subsection (c) simply provides that it is the intent of section 16 that Federal departments and agencies shall comply with applicable water quality standards pursuant to subsection 16(a) and (b) and that, consistent with our constitutional system, Federal agencies are not considered applicants pursuant to subsection 16(c).

Paragraph 6 of subsection 16(c) provides that those facilities actually being constructed under a Federal construction license or permit issued prior to the date of enactment of the Water Quality Improvement Act of 1969 will not be required to obtain certification for any Federal operating license for 2 years after the date of enactment. In addition, paragraph 6 provides that any operating license issued

during such 2-year period shall terminate at the end of such period unless certification is obtained.

In all cases not covered under paragraph 6 of subsection 16(c) and where there is an application for a Federal license or permit subject to subsection 16(c) pending on the date of enactment of the Water Quality Improvement Act of 1969, paragraph 7 provides that licenses or permits issued within 1 year of the date of enactment will not require certification for 1 year following the date of issuance, providing however that such license or permit shall be revoked at the end of 1 year unless the activity or facility has obtained certification.

While the provisions of section 16(c) are directly related to the existence of applicable water quality standards, the committee intends that it should be abundantly clear that no certification shall be required where water quality standards do not exist. As discussed later, only one State has the type of temporary turbidity standards which might be considered applicable to dredging and disposal of dredge spoil.

The effect of paragraph 8 is to not require certification of compliance with water quality standards as a precondition of a dredging permit until such time as the States have in fact developed water quality standards applicable to that activity. But dredging is only an example. In a number of States, standards have not been developed for intrastate waters. Until such time as standards are adopted no certification pursuant to section 16 will be required. In other States, standards subject to the approval of the Secretary have not been submitted for certain pollutants.

It is the intent of paragraph 8 to provide, in addition to clarification on the question of noncertification, an orderly procedure whereby Federal licensees and permittees can comply with water quality standards at the time such water quality standards are adopted. At any time following the development of water quality standards for an activity, an applicant for a new license or permit would, of course, be subject to the other provisions of section 16(c).

The enforcement procedure set forth in subparagraph (b) of paragraph 8 is identical to that procedure set forth in paragraph 3 of this subsection (c).

Subsection (d) makes it clear that none of the provisions of section 16 should be interpreted as limiting any other provision of law relating to water quality. Thus, the provisions of the Fish and Wildlife Coordination Act, for instance, and administrative arrangements executed thereto are in no way limited by this section. The subsection also requires the Secretary to furnish, on request, information on water quality standards to relevant agencies, individuals, and applicants.

Subsection (e) of section 16 recognizes that the application of section 16 to dredging and filling activities under permit from the Corps of Engineers will often require the use of spoil disposal areas rather than open water disposal. In order to make Federal spoil disposal facilities available to all dredging operations, subsection (e) authorizes the Corps to permit the use of such Federal area by private dredgers and charge for such use.

MANPOWER TRAINING

As part of the Clean Water Restoration Act of 1966, the committee asked for a report on the manpower needs of the Nation's water

pollution control program. That report (S. Doc. No. 89–49) showed that there is a clear and present need for waste treatment plant operators; that present training opportunities are not adequate to provide for the widespread upgrading of skills needed, and for the large numbers of new operators which will be required over the next few years; and that training for operators in the past has mainly been limited to short courses conducted by State and local agencies, with main reliance being placed on informal on-the-job training.

This kind of training was inadequate in the past and certainly will not provide for current needs and those in prospect. Enlarging and improving the operator work force is a direct and efficient means of achieving increased water pollution abatement. Many existing waste treatment plants are operating well below their reasonable potential, thereby causing unnecessary pollution of the Nation's streams. Once the investment for constructing a plant is made, its potential for cleaning our water should not be diminished by failure to provide for its efficient operation.

Achieving a competent work force containing an adequate number of well-trained operators involves at least three related elements First, adequate training opportunities must be made available. This amendment deals with that aspect of the manpower problem. The committee realizes that this is not a total solution to the problem, but specific legislative action is clearly appropriate. The two elements discussed below require further study.

Second, the need for higher pay, advancement opportunities, increase in civil service coverage and enhancement of job prestige needs to be determined. Making the occupation more attractive should enable local governments to recruit more able trainees—persons who will be able to take full advantage of training opportunities. The improved pay and other job conditions should enable local governments to retain competent employees; the alternative is to lose them to higher paying positions elsewhere. This goal must be achieved if full benefit is to be received from training programs. The Federal Water Pollution Control Administration should study several alternative methods of achieving improvements in pay and other job conditions, and report the results of that study to the Congress in the September 30, 1970, report described below.

Third, the committee believes it would be of value to determine if mandatory operator certification is necessary and feasible. A study would provide a basis for defining minimum levels of education and experience needed to assure satisfactory plant operation. Mandatory certification could provide standards by which the performance of individual operators can be judged. The process of establishing standards would show what reasonably can be expected from operators. In the September 30, 1970, report, the Federal Water Pollution Control Administration should indicate any need for and, if recommended, means of attaining mandatory operator certification.

This section provides for a pilot program of grants for individual training projects to upgrade skills of existing operators and train new entrants to the field of waste treatment plant operation. This program is to be carried out in cooperation with governmental units, educational institutions and other organizations, with the Secretary entering into individual agreements for each training project. It is intended to

supplement, rather than supplant, current operator training efforts, including those financed through Manpower Development and Training Act funds. Authorizations for this purpose are $5 million for fiscal year 1970 and $7.5 million for fiscal year 1971.

Several points concerning the new proposed program should be emphasized:

First, the committee intends that the responsibility for carrying out the training would remain where the varying particular needs are best understood, which is the State and local level. Funds would be provided on a project-by-project basis by the Federal Government, which would also provide technical assistance with curricula and teaching methods, but the projects themselves would be planned, developed, and carried out at the State and local level by non-Federal organizations. Such a project-by-project approach should be relatively uncomplicated to administer. As the States develop their capabilities to plan and implement operator training programs it may become desirable to fund this type of program by a system of grants to the States.

The committee intends that this new program not be limited to new operators. It recognizes the fact that many of the existing operators need extensive training to enable them to perform their jobs efficiently. Extensive skill upgrading must be accomplished if we are to get the full benefit from the massive investments we have already made in waste treatment plants.

This program is aimed specifically at personnel involved in the actual operations of a waste treatment plant, particularly the position referred to as an "operator". This program is not aimed at professional level employees, such as an engineer who might be in charge of a large plant. Other programs exist for training at that level.

Implementation of this section should not supplant training projects currently being encouraged by the Federal Water Pollution Control Administration to qualify for funding through the Manpower Development and Training Act. The Federal Water Pollution Control Administration's activity in the Cooperative Area Manpower Planning System should continue, and FWPCA should continue to serve as a national contractor for MDTA funds. This proposed program would supplement the MDTA efforts. An additional program is needed in order to provide FWPCA more flexibility in meeting training needs.

Employment in waste treatment plants, especially in urban areas, can provide much-needed skilled job opportunities that many people need to begin to participate more fully in the economic life of this country. However, in some cases the use of the MDTA mechanism is not feasible. For example, a particular community might have enough operators, but need to improve their skills. That community might not be able to take on a sufficiently large enough number of previously unemployed and underemployed to enable the training project to qualify for MDTA support. The Cooperative Area Manpower Planning System, a Federal interdepartmental effort in which the States finally must decide about which training projects to include in their MDTA training program, lacks the ability to cope with the operator problem by itself. FWPCA should continue to use MDTA funds wherever practical. The new grant program proposed in this amendment would give FWPCA a much-needed alternative to that source of funding for use in cases not amenable to MDTA funding.

This section provides for the development and maintenance of an effective system for forecasting the supply and demand of the various categories of operator, technician, and professional level personnel needed in the water pollution control effort. This system would be broader than the other portion of this section which deals with the operation and maintenance of waste treatment plants. Effective manpower planning requires knowledge of the number of people in the field, how many need training and how many new recruits are required. This kind of data must be gathered first at the local level, then carefully pulled together to provide a picture of national needs. Only when such a systematically developed national needs picture has been developed, and periodically updated, can an effective national action program be formulated.

This proposed amendment would provide for the development of such a system. It would provide funds to enable FWPCA to enter into agreements with public and private organizations and individuals to provide this information. The details of an appropriate system are to be worked out by FWPCA; $1.5 million is authorized for fiscal years 1970 and 1971 for this purpose.

A report to be submitted to Congress by September 30, 1970, is required. That report should cover the achievements under the provisions of this amendment and accomplishments of other training programs in the water pollution control field. It should contain estimates of future manpower needs and recommended improvements in training programs. Also it should include a discussion of the need for enhancing the attractiveness of the operator occupation. Finally, it should include any legislative recommendations deemed appropriate.

CLEAN LAKES

Because freshwater lakes occupy the lowest parts of the topography, runoff makes the lake a "catchall" of every conceivable type of pollution that is water-transportable. And because it is a catchall, the biological problems and solutions of lake pollution are complex in the extreme, and will yield only to concentrated, coordinated basic and applied research.

Because lakes, in contrast to streams, cannot "cleanse" themselves by action of running water, whatever pollution enters a lake largely remains there.

In contrast to study of the causes of stream pollution, very little research has been done in the basic causes and removal of lake pollution. In answer to most of the questions as to the causes of increasing degradation of freshwater lakes, the scientists must reply "we don't know."

The committee believes that answers are needed, for an increasing number of the Nation's estimated 100,000 lakes are dying at an accelerated rate and these lakes represent a literally irreplaceable resource of water supply, recreation, fish and wildlife habitat and other economic benefits.

All lakes die (eutrophy) eventually as runoff and sedimentation change the biological balance of the lake; however manmade chemicals and pollutants speed up this eutrophication radically.

Eutrophication is characterized by an accumulation of plant nutrients, decreased depth, increased temperature, all leading to in-

creased fertility and the proliferation of algae. Algae may render water supplies toxic and impart offensive tastes and odors to waters.

In "accelerated eutrophication" the most important of the pollutants are phosphates and nitrates which act as plant nutrients. They come from agricultural runoff of fertilizers, runoff from livestock feedlots, industrial wastes, detergents, domestic and food wastes, and treatment plant effluent.

Lake eutrophication is further aggravated by silt from agricultural land and building construction. As a lake becomes shallower, it becomes warmer—thus decreasing oxygen solubility and increasing plant growth and deoxygenation of the lower levels of the lake. Consequent prolific growth of algae and rooted plants depletes further the oxygen needed for decomposition of wastes, which accumulate and putrify on the bottom of the lake. This, together with the rooting of algal mats piled up on the shoreline, produce the highly unpleasant odors of hydrogen sulfide.

Federal support for research efforts is essential to determine the parameters of lake eutrophication. Adequate technology to deal with the problems of diffuse sources, natural and man influenced, which characterize the principal contributors to eutrophication, is not available nor is the technology to clean up already polluted lakes. Only lagooning has been suggested as feasible for control of feedlot wastes, and no remedies exist for agricultural runoff, beyond presently practiced soil conservation methods.

The only techniques of control and restoration applied with any success have been chemical eradication of aquatic plants and this offers only temporary relief. In addition, chemical treatment with substances such as copper sulfate often have serious side effects in destruction of fish life. Dredging appears to have promise but at present it is almost prohibitively expensive on any large scale. Dredging and cleaning a lake costs a minimum of 25 to 50 cents per cubic yard of material removed. Deepening an acre of water by only one foot would cost between $4,000 and $8,000; to dredge a 10,000-acre lake by one foot would cost from $20 to $40 million. No single community could bear such an expense, and less expensive means of lake restoration must be found.

Several such promising methods are possible, including the development of algal predators; application of various chemical precipitators, harvesting of algae and other vegetation to remove nutrients from an euthropic lake, and various means of introducing free oxygen into eutrophied lakes.

At present, however, no research facility exclusively devoted to basic and applied research in the causes and cures of lake pollution exists in the world, although individual research in various facets of the problem is ongoing in Government and university facilities. This section would have the effect of providing a means to concentrate presently scattered efforts into a coordinated attack on lake pollution; its prevention and cure.

The committee expects that funds to implement the provision of this new research directive shall be made available from the general section 5 authorization and that implementation of this area of research will receive a high priority.

OIL POLLUTION RESEARCH

A great deal of testimony, especially in light of the difficulties associated with cleanup in Santa Barbara, dealt with the inadequacy of technology to effectively contain and remove oil spills. Several witnesses noted that the use of straw to absorb oil on the water and on the beaches was a technique which has been available for centuries. More modern techniques such as various types of booms were often inadequate due to the nature of the tides and winds in the Santa Barbara Channel. A variety of dispersant chemicals were applied but, because so little information existed on potential adverse ecological effects, the Department of the Interior was properly reluctant to allow uncontrolled or excessive use.

Dispersal of oil as a method of cleanup must be evaluated on the basis of possible long-term effects. Once oil is dispersed, there is potential for incorporation of hydrocarbons in aquatic organisms harvested for human consumption. The committee expects the Secretary to carry out research activities on the potential effects of accumulation of hydrocarbons in the food chain in order to determine the desirability of cleanup methods which do not involve actual physical removal of the oil.

The committee believes that developing effective techniques to deal with oil spills and making those techniques readily available at appropriate locations throughout the country is of highest priority.

This section places the primary responsibility for research in the Department of the Interior but the committee intends that the Secretary should transfer some research functions and funds to the Coast Guard for those activities over which that agency has significant responsibility.

The Department of the Interior must develop information on the effects of oil spills and chemicals and other methods used to disperse oil. The Department also should be investigating improved methods to control oil discharges in connection with ongoing efforts to achieve and maintain compliance with water quality standards.

The committee intends that the Coast Guard should carry out necessary research and development to fulfill its responsibilities imposed by this section. More sophisticated techniques and equipment are necessary before the Federal Government can hope to clean up an oil spill effectively. Studies are underway to determine what cleanup methods now available are most effective, what other possibilities exist, and what general approaches, including no cleanup at all, are warranted under different circumstances. Methods of preventing pollution by shipping activities are also under study. These studies need to be expedited and should receive priority in planning future budget requests.

FACILITIES LAND ACQUISITION

When the water pollution control program was administered by the Department of Health, Education, and Welfare, the FWPCA utilized the general land acquisition authority applicable to all programs under the auspices of that agency. The Interior Department, however, has historically been granted land-acquisition authority on a program basis only. Accordingly, FWPCA, lacking such authority in its organic act, has not been able to acquire lands in connection

with its research program and demonstration projects. This bill would place the water pollution control program on the same basis as it was before its transfer from the Department of Health, Education, and Welfare by providing authority to acquire lands and interests therein for the limited purpose of section 5 of the act and for demonstration projects.

EXTENSION OF GENERAL RESEARCH AUTHORIZATIONS

This bill would also extend through 1970 and 1971 the research and development, training, and investigations authorizations of section 5 of the Federal Water Pollution Control Act at the current annual level of $65 million. Section 105 would extend the annual grant and contract authorizations of $60 million in 1970 and 1971 for research and demonstrations in new and advanced waste treatment methods, joint municipal-industrial waste treatment, new methods to treat industrial wastes and the problems of storm and combined sewers, as provided in section 6 of the Water Pollution Act.

These authorized extensions would cover all research, development, and demonstration activities, including in-house research efforts and the administration and management of laboratory facilities. Field investigations and surveys, technical assistance and support would be included. FWPCA's pollution surveillance effort is also part of the section 5 authorization. This is a survey and inventory program to include 900 stream and 1,500 open water sampling stations, in coordination with other State and Federal agencies, as part of the water quality standards program and in order to indentify new pollution trends, sources, and types before problems develop. Research fellowships, training grants, and other in-house training activities would be continued at current levels. Also the authorization for estuarine research is extended at the current level of $1 million for one year.

Hearings

The Subcommittee on Air and Water Pollution, Committee on Public Works, has over a 3-year period, conducted 23 days of hearings, heard 166 witnesses, received 121 statements for the record, and compiled a total of 2,711 pages of printed testimony, statements, and exhibits.

During consideration of S. 7 as introduced on January 15, 1969, the committee heard 90 witnesses, including reappearances, received 79 statements for the record, and compiled 1,568 pages of printed testimony in 13 days of hearings.

Statements were filed by and witnesses included representatives of the Department of the Interior, Department of Transportation, Atomic Energy Commission, State and local governments, conservation groups, organized labor, affected industries, and interested individuals.

TITLE II—ENVIRONMENTAL QUALITY

Summary and Discussion of Major Provisions

Our contemporary culture, primed by population growth and driven by technology, has created problems of environmental degradation

that directly effect all of our senses: noise, odors, and toxins which bring physical pain and suffering, and ugliness, barrenness, and homogeneity of experience which bring emotional and psychological suffering and emptiness. In short, we are jeopardizing our human qualities by pursuing technology as an end rather than a means.

Too often we have failed to ask two necessary questions: First, what human purpose will a given technology or development serve? Second, what human and environmental effects will it have? These questions require responses before we implement and distribute the products of our new technology. The facts are well documented. The committee has studied the application of these problems in the areas of air and water pollution, solid waste, highway construction, water resource development, and economic development.

The message which has emerged from these investigations and from all studies of environmental problems, whatever their origin or focus, is essentially the message of ecology—that we, and all of our activities, are integral parts of a natural system. We cannot consider any human activity independently of this system if we hope to achieve a quality of life worthy of the name.

The Subcommittee on Air and Water Pollution has been instrumental during the last six years in forming a national environmental policy. The subcommittee's work has resulted in the Clean Air Act of 1963, and the 1965 and 1966 amendments; the Air Quality Act of 1967; the Water Quality Act of 1965; the Clean Water Restoration Act of 1966; and the Solid Waste Disposal Act of 1965.

The basis for the legislation is a strong Federal-State-local partnership. The States have been delegated the primary responsibility to protect and enhance the quality of air and water within their boundaries, and, in cooperation with other States, to protect and enhance the quality of air and water within resource areas common to those States. The Federal Government has the responsibility to improve our understanding of environmental threats, the authority to act where States fail or are unable to fulfill their obligations and the obligation to protect the environment in its own activities.

The laws provide Federal support for improved organization of State and local abatement programs, planning activities, and the research, development, and demonstration of new control technologies. The programs authorized under the acts are based on the concept of prevention and are designed to reduce discharges into the atmosphere and public waterways. They are limited only by the effectiveness of existing technology and by the outmoded philosophy of waste disposal rather than waste management and reduction.

The legislation seeks to promote and encourage the development of policies and institutions geared to the regional nature of environmental problems. Whether or not it succeeds depends upon the degree of commitment and cooperation of State and local governments and the taxpayer and citizen. The responsibility is a heavy one.

The committee and the Congress are pledged to a national policy of enhancement of environmental quality, a policy based on the concept that man and his environment are interrelated and that a quality environment is necessary to the improvement of living standards for all men.

The committee is committed to a review of legislation under its jurisdiction and expects to initiate review proceedings in all of its subcommittees during this Congress. Sections 201 and 202 of title II of S. 7 are provisions to expedite this review. However, jurisdictional questions in the Congress often frustrate effective review of administrative practices and duplication.

Essentially, institutional fragmentation is a result of legislation that grants authority to conduct, regulate, or otherwise administer a particular environmental program or policy without granting corollary authority and direction to consider such program or policy in the context of the total environmental system.

Institutional fragmentation, however, is subject to remedies other than a modification of statutory authority, once Congress has manifested its will that all authorized activities be undertaken in harmony with environmental quality. With respect to Federal and federally assisted public works projects, it is the committee's judgment, as expressed in section 201(b)(1), that Congress has so expressed its will in prior acts and statements of intent.

Existing pollution control legislation is directed toward the development of an operational national policy. The Environmental Quality Act would extend the Federal government's environmental management effort in several important areas. It would require that all federally supported public works projects and programs be planned and developed in full recognition of their ecological impact. Technological and economic developments which produce short-term benefits at the expense of the long-term health and productivity of the environment would be rejected.

For example, the location, design, and development of the Corps of Engineers civil works projects should be evaluated to take into full account the ecological implications of the decisions involved. Alternatives should be chosen which minimize deleterious effects.

A major need for improved environmental management in relation to public works exists in our Federal-aid highway program. The Interstate Highway System has served to link our urban centers in an ever-increasing flow of commerce, goods, and people. But the roads, and the economy they support, are not ends in themselves. With more environmental planning they can better serve the needs of our people, through respect for the integrity and future development of communities and by attention to the protection of natural beauty and resources.

Our highways must be brought into harmony with the communities and countrysides they traverse. To often this need has received little more than lip service. Locations have been chosen to serve the more limited benefits of the user rather than the needs of the community at large.

Cities such as Baltimore and Chicago are attempting to manage the environmental impact of highways by employing urban design concept teams. This approach involves engineers, architects, sociologists, urban planners, economists, and other specialists to form a coordinated team. The team examines the highway corridor in a framework which emphasizes overall community goals and plans.

Although still experimental, this approach has proven worthwhile and will provide criteria to aid others in evaluating urban transporta-

tion needs in terms of social, esthetic, and economic values. The knowledge gained should yield new methods and techniques of assistance in the solution of complex urban problems.

Ugliness, clutter, litter, the lack of parks and open space, and inadequate recreational opportunities are among the basic components of the crisis in America's cities. An effective response to the urban crisis requires a series of measures responsive to citizens' needs for housing, health and sanitation, education, employment, transportation, and pollution abatement. The committee also feels that provisions must be made for improving the appearance of cities, for new urban parks and more open space, and for creating attractive and diverse recreational experiences.

Federal-aid highway legislation of the 1960's has created highway beautification programs and has strengthened the protection of parklands. It also requires the consideration of social and environmental factors and community goals and objectives in the location of proposed highway projects. Such policies can only be carried out in coordination with other agencies.

Recognizing the need in water resource programs for "developmental planning" rather than "response planning," the Committee on Public Works initiated the first program in this area in the Appalachian Regional Development Act of 1965, which authorizes regional water resources planning programs for the Appalachian region. This concept and this approach should be extended to other regions of the country. Water resources development could be used to reverse the trends of population movement from rural to the highly urbanized areas. The Appalachian Regional Development Act also provides for the development of programs for mine land reclamation and pollution control.

In shaping these policies the committee has worked to dispel any concept of any component of the environment—air, water, or land—as an infinite reservoir, with an infinite capacity to dilute, disperse, and assimilate waste. Our resources are limited, and we have overdrawn our bank account.

More and more public officials and individual citizens recognize the need for integrated national policies for the environment. This recognition stems from the facts that we are confronted with (1) problems of accelerating environmental degradation; (2) the inadequacy of our government agencies, public and private institutions to deal with environmental degradation; and, (3) a reluctance to make the necessary investments of money and resources to do the job.

The committee has focused on several measures designed to remedy institutional fragmentation in the area of environmental quality. There has been some discussion of reorganizing the Federal executive branch in order to put all environmental agencies under one department. This may or may not be advisable, but, as the committee learned so dramatically from the Santa Barbara incident, the fact that the Geological Survey, the Fish and Wildlife Service, and the Federal Water Pollution Control Administration are located in the same Department did not result in adequate consideration of the environment in the Outer Continental Shelf leasing program.

The committee has concluded that the problems are more urgently management problems than they are organizational problems. There-

fore, it has proposed under this title an Office of Environmental Quality to provide the President with the management capability necessary to bring coherence and consistency into the environmental activities of the Federal Government. The committee has studied the bills, S. 1818, introduced by Senator Tydings, and S. 2391, as well as other legislative proposals along with the President's establishment of a Cabinet Environmental Council, and has concluded that an independent environmental staff in the Executive Office of the President is necessary if all Federal programs are to be effectively coordinated and administered to carry out the Nation's policy of environmental enhancement.

In creating a Cabinet Council on Environmental Quality, the President established a mechanism that, as described by Dr. Lee DuBridge, Science Adviser to the President, is an action organization to implement Presidential decisions and policies. Such action is commendable. It puts into focus the limited management tools the President has at his disposal to make the Council function effectively and creatively.

The Office of Science and Technology is presently the staffing organization of the President's Council and is the general adviser to the President on matters of environmental quality. Unfortunately, the Office of Science and Technology has widespread responsibilities, is thinly staffed, and, in turn, must look to the departments and agencies of the Federal Government for staff assistance. This, of course, establishes a system in which the advice and assistance the President receives, and on which he instructs or directs the agencies and coordinates their activities, ultimately comes from the agencies themselves. Such a system, no matter how well intentioned, cannot be expected to produce critical and independent review of the Federal establishment, and represents a poor management structure for which the President is dependent on Congress to change.

The problems associated with environmental quality are not entirely scientific and demand a broader range of professional staff than is found in the Office of Science and Technology. Environmental quality issues and answers require legal, economic, social, management, and systems analysis as well as scientific study. Consequently, the present staff and the historical orientation of the Office of Science and Technology may not be adequate to satisfy the demands that proper evaluation of environmental quality present.

One unavoidable product of the technological society in which we live is the occurrence of events or conditions that demand immediate analysis and consideration in the highest levels of government. In recent months there have been several examples of these events: The Santa Barbara disaster, ocean disposal of certain military weapons, and fish kills from pesticides. In each instance, because of insufficient staff, the President has found it necessary to either appoint task forces of Government agency personnel or seek the assistance of private advisers. Private advisers are certainly necessary, but they are not in a position to give the President the depth of continuous staff support he needs for the development of sound policies. An independent staff in the Executive Office with immediate access to all information in the Federal establishment and with appropriate standing advisory committees will provide the policy guidance necessary for continuous review and advisory services for the President.

In addition, this legislation authorizes the Director of the Office of Environmental Quality to convene, every 2 years, a forum on environmental quality. It is the committee's intent that these forums be organized in a manner to enable the most competent citizens, private or otherwise nonfederally employed, including those who are controversial, to critically analyze and otherwise evaluate the environmental policies, activities and trends of the Nation.

A great weakness in the administration of Federal programs is a management weakness: an information, coordination, consultation, timing, and research hodgepodge. Many agencies have begun to recognize this internally and have taken steps to provide a remedy, such as the establishment of an Assistant Secretary for Urban Systems and Environmental Affairs in the Department of Defense, and a proposed Office of Ecology in the Department of Interior. This growing practice must be complemented by an overall management, review, and analysis function in the Executive Office of the President. More importantly, the functions of these new departmental offices concerned with the quality of the environment need constant and effective coordination. That coordination can be provided by the newly created Council only if independent staff assistance is available.

The most difficult task facing the President and the Congress, is the review and analysis of the administration of the total environmental programs and policies activities of the Federal Government, a function that needs to be coordinated from the vantage point of the Office of the President. This function cannot be carried out on an ad hoc or part-time basis. The committee strongly feels that this function requires a sufficiently large and competent, independent staff, unaffiliated with any other Federal agency. Only in such a manner will the President and the Nation receive a close review and analysis of the environmental activities of the Federal Government.

The President's Executive order establishing the Cabinet-level Environmental Quality Council and the Citizens' Advisory Committee on Environmental Quality provides a mechanism to coordinate the environmental protection programs enacted to date through a policy of comprehensive Federal consideration of all aspects of environmental quality in the utilization of natural resources.

One of the questions raised about the potential effectiveness of the President's Council has been the lack of advice independent of the agencies represented on the Council. As noted above, the committee does not believe the Office of Science and Technology can meet that need. An Office of Environmental Quality would provide the independent staffing required by the Council and would make available to the President the professional competence and facilities necessary to the substantive review and analysis of all matters relating to the environment. In addition, the Office would be required to report on environmental issues to Congress, the Council, and the public.

The bill reported by the committee does not tell the President how to organize his administration to deal with environmental problems. It provides him with staff support for whatever arrangement he determines most appropriate to his approach to the administration of the Executive branch.

One of the principal advantages of this legislation is the recognition that progress can be made in enhancing the quality of the environ-

ment only if that policy has the full support of both the President and the Congress.

The Office of Environmental Quality should increase the capacity of the President to support that policy, and the Congress needs to give further attention to its capacity to deal with the varied and interrelated problems which comprise our environmental crisis.

Man has now forced his way out of his environment. We continue to flex our muscles and look to further growth, but our world will not grow with us.

In some future time, we may find another environment in which we can live without artificial assistance, but for the foreseeable future man has but one home and one natural environment. If we do not begin a coordinated effort to repair the damage we have caused and prevent greater damage in the future, man may become an ecological orphan—faced with an environment which cannot support simple human existence, much less the growing technology on which we have thrived.

The committee feels that the Environmental Quality Improvement Act of 1969, title II of this legislation, will encourage a focus on this problem and require effective action by Federal agencies which have not lived up to their responsibilities in the past.

Excerpts From Hearings on Environmental Quality

During the past 6 years, in the course of its work on environmental quality legislation, the Committee on Public Works has become increasingly concerned with the impact of federally aided programs and activities on the environment. The proposed section 16 under title I and title II are a logical extension of that concern and of the findings of the committee, particularly as they relate to the 1968 and 1969 hearings on thermal pollution. The following quotations from hearings and reports illustrate the extent of the committee's concern and underscore the relevance of title II to the legislative program developed by the committee.

> During the 88th Congress, the Senate Committee on Public Works found an increasing amount of its activity shifting from the consideration of traditional project legislation to substantive matters. Increased emphasis on the conservation of air and water resources has been answered by means to prevent pollution. Increased concern for lagging economic growth in certain areas of the Nation has produced public works programs designed to aid economic development. Our highway program is being examined for its total community value.
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> Rivers and harbors measures, themselves, are less and less simple one-purpose projects. Previous Congresses set the stage we are moving onto now where comprehensive planning and multipurpose developments are required. The interrelationship of water resource development with economic growth is

becoming more the rule than the exception as demonstrated by the Appalachia bill reported by the committee.

The Appalachia bill marks a sharp departure in the responsibilities of the committee which first began with consideration and the passage of the Accelerated Public Works Act.

Appalachia is the first extensive legislation identifying dams, reservoirs, roads, sewage treatment plants, sewers, buildings, and other public works as the physical requirements for economic growth. Accelerated public works recognized the value of public works as an antidepression measure. Combined with Appalachia the building of public works provides not only immediate employment but the means for long-term general improvement.

(Summary of Legislative Activities, Committee on Public Works, U.S. Senate, 88th Cong., p. v.)

AIR AND WATER POLLUTION

The concern of the Committee on Public Works for environmental quality led to the establishment of a special subcommittee on air and water pollution during the 88th Congress on April 30, 1963.

The national water pollution control program has for its primary objective the enhancement of the quality and value of the Nation's water resources. This can only be done by preventing, controlling, and abating water pollution.

The Federal Water Pollution Control Act is the basic statutory authority for Federal participation in the national program. The act authorizes the administration and conduct of programs directed to the achievement of the important national water quality goal. The bill provides for specific expression of the act's purpose to establish a national policy for the prevention, control, and abatement of water pollution through effective administration of its comprehensive authorities.

(Federal Water Pollution Control Act Amendments of 1965, S. Rept. 89–10, p. 4.)

(1) Authorize the initiation and acceleration of a national research and development program for new and improved methods of proper and economic solid waste disposal, reducing the amount of waste and unsalvageable material and recovering and utilizing potential sources of solid waste, and provide technical and financial assistance to State and local governments and interstate agencies in planning, developing, construction, and conduct of solid waste disposal programs.

(2) Provide that not to exceed 25 percent of funds appropriated for this purpose may be made for grants-in-aid, or to contract with, public or private agencies and institutions and to individuals for research and training.

(3) Authorize grants to State, municipality, or intermunicipal or interstate agency for the purpose of assisting in the development of any project which will demonstrate a new or improved method of disposing of solid waste. * * *

(4) Encourage cooperative activities by States and local governments in connection with solid waste disposal programs, encourage planning, and encourage the enactment of improved, and, so far as practicable, uniform State and local laws governing solid waste disposal.

(5) Authorize up to 10 percent of funds available for the solid waste disposal program to be used in connection with the grants for support of air pollution control programs of the Clean Air Act. Grants would be made in an amount of up to two-thirds of the cost of making surveys of solid waste disposal practices and problems within the jurisdictional areas of appropriate agencies, and development of solid waste disposal plans. * * *

(Clean Air Act Amendments and Solid Waste Disposal Act. S. Rept. 89–192, p. 2–3.)

* * * requires that any Federal department or agency having jurisdiction over any building, installation, or other property shall discharge waste only in compliance with standards * * *

* * * authorize appropriations to be made to the appropriate Federal departments or agencies for the installation, maintenance, and operation of water pollution control facilities which have been designed to meet standards prescribed * * *

* * * authorizes the Secretary of Health, Education, and Welfare, upon request by a department or an agency, to train personnel to operate and maintain water pollution control systems.

There are provisions in existing law which authorize training in technical matters relating to the cause, prevention, and control of water pollution to personnel of public agencies and other persons of suitable qualifications. However, the committee is concerned that such authority may not be construed or utilized for the purpose of developing skilled personnel to operate and maintain treatment plants, particularly in new facilities.

* * * would provide for a system of reporting to the Secretary of Health, Education, and Welfare by the Federal department or agencies which have jurisdiction over buildings, installations, and other property, and which discharge waste. In addition, the Secretary of Health, Education, and Welfare would report to the President and the Congress with respect to effectiveness of actions taken by those Federal departments or agencies in controlling water pollution.

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* * * requires that all Federal departments and agencies cooperate with the Department of Health, Education, and Welfare, and with air pollution agencies in controlling air pollution discharges from any Federal building, installation, or property. Further, the Secretary of Health, Education, and Welfare is authorized to establish classes of potential pollution sources for which any Federal department or agency

would be required to obtain a permit from the Secretary before discharging any matter into the air.

* * * authorize appropriations to be made to the appropriate Federal departments or agencies for the installation and maintenance of air pollution control devices as are certified by the Secretary of Health, Education, and Welfare to be adequate to meet the limitations on emissions prescribed by him. In addition, it directs such Federal departments or agencies to request funds to make necessary installations to meet the limitations for allowable emissions.

* * * require that, after the effective date of this section, no Federal department or agency shall construct, prepare for use, or expand facilities without the inclusion of air pollution control measures which the Secretary of Health, Education, and Welfare considers to be adequate.

* * * authorizes the Secretary of Health, Education, and Welfare, upon request by a department or an agency, to train personnel to operate and maintain devices or other means of preventing or controlling air pollution.

* * * provide that Federal departments or agencies keep the Secretary of Health, Education, and Welfare informed of air pollution control practices in effect at buildings, installations, and other property under their jurisdiction. They are also to inform the Secretary of the absence of, or failure to institute, practices necessary and adequate to correct deficiencies and the reasons therefor. In addition, the Secretary is to report each January to the President and the Congress on the status and effectiveness of actions taken.

(Federal Installation, Facilities, and Equipment Control Act, S. Rept. 89–128, pp. 10–11.)

The prime purpose of the proposed legislation is to strengthen the Clean Air Act, to expedite a national program of air quality improvement, and to enhance the quality of the atmosphere to protect the health and welfare of our citizens against long-term hazards and immediate danger. Considerations of technology and economic feasibility, while important in helping to develop alternative plans and schedules for achieving goals of air quality, should not be used to mitigate against protection of the public health and welfare.

The objective of S. 780 as amended is to achieve clean air, and to do so through the establishment of sound objectives and feasible timetables. The committee's hearings indicated that those who contribute to air pollution share with all Americans the objective of cleaning up the air, and that the differences of opinion expressed were addressed primarily to how that objective best could be accomplished. Through a full understanding of the etiology, the probabilities, and the severity of health and welfare hazards involved and with the strengthening of the technological and economic capabilities for abatement in both the public and private sector of our economy, the needs of public health and welfare without serious or excessive economic dislocation can be met.

This legislation contains imaginative and far-reaching opportunities for air pollution control and abatement, but the bill is complex, as are the problems of environmental control. The problem of air pollution is neither local nor temporary. It is a universal problem, and, so long as our standard of living continues to increase, it will be a permanent threat to human well-being.

S. 780, as amended by the committee, will provide a comprehensive, broad-based attack on the Nation's air pollution problem while expanding the potential of control technology and identifying the health and welfare effects of air pollution. Its objective is the enhancement of air quality and the reduction of harmful emissions consistent with maximum utilization of an expanding capacity to deal with them effectively. At the same time, it provides authority to abate any pollution source which is an imminent danger to health, by whatever means necessary.

(Air Quality Act of 1967, S. Rept. 90–403, p. 2.)

The President's Executive order on water pollution and section II of the Federal Water Pollution Control Act are both directed at water pollution control activities by Federal agencies.

Nuclear powerplants are licensed by a Federal agency and therefore can and should be expected to conform with applicable water quality standards and a concept of water quality enhancement.

But the committee has found that Federal agencies are not assuming the proper leadership role—that often their activities actually condone pollution rather than encourage water quality enhancement.

Thermal pollution is only one case. There are numerous Federal agencies which need to exercise more leadership both in their own activities and in the activities over which they are responsible.

Only in this way can the Federal effort in pollution control appropriately relate to the expanding vigor of the State programs. This expanded Federal role is especially essential, at a time when, because of a serious national budgetary restriction, full Federal funding of construction activities may not be possible.

(Opening statement at hearings of the Senate Committee on Public Works on Thermal Pollution, 1968, pt. 1, pp. 1–2.)

While water quality standards, now set and approved for most interstate waters, will cause installation of such control facilities as are necessary for compliance, serious question has been raised regarding the role of Federal agencies which authorize or assist such activities without requiring compliance with applicable standards.

In order to ascertain the extent to which Federal agencies are conducting such activities, the committee began, early last year, hearings on the role of the Atomic Energy Commission relative to control of waste heat discharges from

federally licensed nuclear powerplants. The hearings indicated several important problems.

1. The Atomic Energy Commission does not consider its legislative authority sufficient to condition licenses relative to water quality standards for other than radioactive materials;

2. The AEC regulations specifically prohibit intervention or testimony on the subject of pollution other than radioactive discharges;

3. State agencies charged with water pollution control responsibility question their ability to require control of nuclear powerplant waste heat discharges once that plant has been licensed for operation by a Federal agency, believing that the existence of the Federal license might preempt State regulatory authority;

4. Thermal pollution is of sufficient concern to require consideration prior to final selection of a steam electric powerplant site both because of the potential adverse effect of heated water discharges on the receiving streams and because of the land requirements associated with construction of cooling facilities if required; and

5. Waste heat discharges can seriously and adversely affect the ecological balance of the receiving waters and, though much remains to be learned about these effects, a sufficient body of evidence exists to establish standards and require control.

The information received during the hearings suggested a need for the Federal Government to become involved at an early stage in water quality control by entities which receive Federal authorization or assistance.

On September 16, the subcommittee invited comment on the extent to which the electric utilities industry should consider environmental hazards in selecting powerplant sites. This question resulted from information developed during the hearings pointing out—

1. Few utilities have considered ecological effects of waste heat discharges either in relation to site location or operation of thermal generating stations;

2. Little, if any, investigation has been made by most utilities to determine ecological background of receiving waters;

3. Use of existing cooling technology for other than conservation of water has not been considered by utilities until after intense public pressure has been exercised; and

4. The general assumption seems to be that any risk of adverse ecological effects associated with thermal pollution be taken by the public rather than the utility.

However, the correspondence which follows indicates that ecological effects are of significant importance to warrant early consideration in a utility's decision to construct new steam electric generating facilities.

(Summary statement on hearings of the Senate Committee on Public Works on Thermal Pollution, 1968, pt. 3, pp. 975–976.)

What we are talking about is adding something to the environment that is not now added. Now, if it happens to be harmful we may be doing something that is irrevocable. If it happens to be good, so much the better. But by withholding any discharge or any such addition to the environment we are making no impact and that is the ideal situation to maintain until you get the answers. Unfortunately, we do need the additional energy, so we have the problem of how in the period during which we are trying to find the answers we minimize the possibility of harmful effects.

The fact that in some cases you may get beneficial effects does not necessarily justify taking the risk of harmful effects when you can withhold both until you get the answer.

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We are going to have an argument in each case as to whether or not we know enough to impose a restriction. Well, I think that increasingly we have to take the point of view that if we don't know enough, then we don't know enough to permit the discharge.

If the point that we don't know enough justifies not imposing control, then it seems to me it also justifies not permitting the discharge.

At least I think we ought to take that perspective on every one of these plant location decisions. I don't think we can afford to take a position that until we know specifically what the harmful effects are, we have to assume that there is enough good to build a plant.

I think that is a wrong perspective. I think that we have to enlarge our area of knowledge as fast as we can so that we won't deprive ourselves of the necessary electrical energy, but I don't think we can just leave it an open door to permit this kind of development to continue without any restriction or restraint simply because we don't know all we ought to know about the harmful effects.

These is a change of perspective and I think we have to arm the Federal agencies and the State agencies, as we would under this legislation, with enough restraining authority so we just don't plunge headlong into a lot of problems that will plague us once we begin to know the full implication of what we have done.

(Comment by Senator Muskie at hearings of the Senate Committee on Public Works on Water Pollution, 1969, pt. 1, pp. 42–43.)

Legislation has been enacted to deal separately with the control and abatement of air, water, and land pollution. The enhancement of environmental quality has become a major national goal. The committee has now turned its attention to the need for environmental planning. As existing sources are brought under control, management of wastes and environmental quality can become a reality. As this possibility

evolves, a policy must be defined relating to the responsibilities and rights in the use of air, water, and land resources.

The need for a policy relating to use of the air, inland, and coastal waters, and land resources is highlighted when it is realized that any single form of waste can be transformed to another form during handling and disposal. Solid waste, for example, may result in gaseous wastes when incinerated, liquid wastes when ground in garbage grinders, or remain as solid waste materials disposed of in landfills. This is but one example which suggests the need for an integrated policy for all forms of wastes rather than separate policies for solid waste disposal, air pollution control, and sewage disposal.

A policy of environmental quality management for all forms of wastes is clearly required. Such a policy need not suggest that the administration of these programs be combined, but in the absence of a combined administration, the need for an overall coordinated policy is even more urgent.

(Summary of Legislative Activities; Committee on Public Works, U.S. Senate, 90th Congress, p. 45.)

Environmental Quality

During the second session, the subcommittee held hearings on "Environmental Quality Management and Waste Management Research." Legislation has been enacted to deal separately with air pollution, water pollution, and solid waste disposal, but a congressional policy directed at their interrelationship is less precise. These hearings provided an initial look at this interrelationship and the need to define a public policy relating to the responsibilities and rights in the use of air, water, and land resources.

These hearings provided an initial look into two areas. First, is there a need for a policy relating to the use and degradation of the air, inland and coastal waters, and land resources of the United States?

Second, are the current Federal research management policies and practices in air and water pollution, and solid waste disposal adequate to the problem? Enacted legislation requires the establishment and implementation of air and water quality standards on prescribed time schedules. Current technology will reportedly satisfy many immediate objectives such as municipal waste water treatment of control of airborne particulates. These hearings provided an initial look at long-term needs and the adequacy of control technology to insure compliance with prescribed time schedules. Particular attention was given to improvements in Federal research management practices which might expedite development of control technology.

(Summary of Legislative Activities, Committee on Public Works, U.S. Senate, 90th Cong., pp. 61–62.)

Public works for many years has been synonymous with flood control. But recently the simplicity of a flood control project has given way to the necessity of considering much more than a single factor when developing a reservoir program. As a result public works is becoming more and more a matter of water resources programing.

The Federal civil works program under jurisdiction of the Corps of Engineers, embraces the works for improving rivers, lakes, coastal areas, and harbors of the United States in the interest of navigation, flood control, hydroelectric power development, water supply, pollution abatement, recreation, beach erosion control, and other allied water purposes, which the committee has approved and the Congress authorized for accomplishment by the Corps of Engineers, Department of the Army.

(Summary of Legislative Activities, Committee on Public Works, U.S. Senate, 88th Cong., p. 5.)

It has long been recognized that flood control is only one of the purposes for which our water resources should be developed. Congress has recognized that full consideration should be given to a desirable improvement for the use and control of all the water resources, in the committee, the projects and basin plans included in this bill give full weight to the navigation possibilities; the development of hydroagricultural uses; the utilization or recreation potentialities in connection with reservoirs; the preservation of fish and wildlife; the abatement of stream pollution; the improvement of water quality; and the provision of improved sanitary facilities. The committee feels that a program for flood control and navigation would not be comprehensive or in the best interests of the Nation unless all these factors were considered.

(River and harbor, beach erosion control, and flood control projects, S. Rept. 87–2258, pp. 3–6.)

We are no longer just concerned with flood prevention—but with the multiple aspects of reservoir development—including water supply hydropower development, recreation, and other multiple uses made possible by large storage dams.

Water is a precious commodity. It is becoming more apparent each year—that we cannot afford to waste, pollute, or in any way destroy this natural resource.

Therefore, it is of paramount importance that in our plans for controlling destructive flood waters, we fully utilize all the waters stored in a manner that will provide releases for conservation purposes—such as power development, industrial and domestic water supply, recreation, and pollution abatement.

The Congress has asked the Corps of Engineers to look into comprehensive river basin planning, as the best means of fully developing our water resources.

(Opening statement at the hearings of the Senate Committee on Public Works, on Public Works Authorizations, 1965, pt. I, pp. 1–2.)

In this work we are dedicated to the principle of providing the best use, or combination of uses, of these resources in the service of the economic and social welfare of the Nation.

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The disciplines and techniques of economics, political and social science, and public administration, as well as engineering, bear importantly in the solution of the complex resource development problems of our present-day society. In our role as public planners we are striving to provide the insight and leadership necessary to bring all of the pertinent disciplines and techniques into focus on these problems.

The test of any planning lies in the soundness of the action programs it defines. In down-to-earth terms this means that in the field of water-oriented planning we must devise effective ways of meeting needs—both immediate and long term—for domestic, municipal, industrial, and agricultural water supply; water quality control; navigation; hydroelectric power; flood control; land and beach stabilization; drainage and salinity control; hurricane and tidal flood damage control; outdoor recreational activity, including that associated with preservation and enjoyment of open space, green space and wild areas of unique natural beauty or special interest; and fish and wildlife conservation and enhancement. These factors all are considered in our project proposals. * * *

* * * As we approach the borderline between water abundance and water deficiency in many parts of the Nation, and strive to catch up in those areas where we already have crossed this border, it becomes clear that the pace of our planning and development activities must be increased. In addition to the pace imposed by growing demands, there is the added pressure of complexity. With few exceptions the day of single-purpose project planning is a thing of the past. Multiple-purpose planning now is the rule of the day.

(Testimony of Maj. Gen. Jackson Graham, hearings of the Senate Committee on Public Works, on Public Works Authorizations, 1965, pp. 15–16.)

* * * In water development it is not enough to consider measurable market values. We must also look beyond them. Water is related to public health, to outdoor recreation, and to the beauty of the landscape. * * *

If the assessment of values to be taken into account in project design is difficult, so are the technical engineering aspects. A variety of engineering and natural science specialists are required to design and operate a modern water facility. * * *

In my opinion the policies and administrative arrangements which evolved out of the earlier period of our history have not yet caught up with the kind of water management task now confronting us. * * *

I am not suggesting that a Federal agency or combination of Federal agencies should be clothed with this kind of authority nor am I suggesting that all water resources management responsibilities be turned over to State or regional organizations. But I am indicating that some combination of policies and administrative arrangements that can institute these measures in a coordinated fashion is essential if water resources management is to provide American society with the full potential benefits inherent in the resources with which we have been endowed.

(Testimony of Irving Fox, Resources for the Future, hearings of the Senate Committee on Public Works on Public Works Authorizations, 1965, pp. 30–31.

HIGHWAY BEAUTIFICATION

Many millions of us have been disheartened as we have traveled about the country and have seen hillsides stripped of their foliage, roadsides littered with trash, streams polluted. Some citizens, no doubt have felt that "uglification"—this desecration of the land and water—was a necessary price we must pay for industrial progress, and a necessary byproduct of the tremendous growth in our population. Others, fortunately, have not given up so easily and, in fact, have recognized that our growth in population and our economic development are factors which make it absolutely essential that we take positive action to preserve our natural resources. We have come to realize that we do not have unlimited land and water. Of necessity, many of us are going to be crowded in urban places. We must work together to make these places as pleasant and attractive as possible.

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Our concern is with damage inflicted unnecessarily, which could be avoided, by consideration of all aspects of the problem, not merely those of the highway engineers.

(Testimony of Louis Prentiss, American Roadbuilders Association, hearing of the Senate Committee on Public Works, on Highway Beautification and Scenic Road Program, 1965, pp. 165–173.)

It might seem to the casual observer that little harm would result in constructing a superhighway along a stream's course or in straightening a curving section of roadway by crossing and culverting, or channelizing and relocating a stream, or dredging a streambed to secure gravel for aggregate or to straighten and speed up the flow of runoff waters. The effect that most folk overlook is the great damage that accrues from violent disruption of the aquatic habitat.

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I think engineers, biologists, everyone working with resources of one kind or another, seek public approval, and want to do the best job they can. They often have to persuade some people to look at other values. This is essentially what we are trying to do here, to provide a basic force on the highway engineers and builders to consider these matters seriously so we will have a harmonious balance.

(Testimony of Richard Stroud, Sport Fishing Institute, hearings of the Senate Committee on Public Works on the Highway Beautification and Scenic Road Program, 1965, pp. 438–455.)

Soil erosion control

The Committee on Public Works, through the activities of its Subcommittee on Air and Water Pollution, has become increasingly concerned with siltation as a form of water pollution. Suburban home builders and highway builders are among the worst sources of this form of pollution, and yet government, whether Federal, State, or local, can hardly impose control measures on the private construction industry when it ignores prudent soil erosion control measures within its own area of responsibility. The committee therefore urges the Secretary not only to implement the provisions of the committee amendment, but also to take steps to minimize the time in which unsurfaced highway construction projects are subject to the erosion of wind and water.

(Federal-aid Highway Act of 1966, S. Rept. 89–1410, p. 38.)

Preservation of parklands

[It is] the national policy of the Federal-aid highway programs to preserve Federal, State, and local parklands and historic sites and the beauty and value of such sites. The Secretary is directed not to approve any Federal-aid highway project which requires the use of such lands unless (1) there is no feasible alternative to such use, and (2) the project plans include all possible provisions to minimize harm to affected parkland and historic sites. The committee recommends that this policy be extended to include wildlife refuge areas as well.

(Ibid.)

The committee is firmly committed to the protection of vital parklands, parks, historic sites, and the like. We would emphasize that everything possible should be done to insure their being kept free of damage or destruction, by reason of highway construction. The committee would, however, put equal emphasis on the statutory language which provides that in the event no feasible and prudent alternative exists, that efforts be made to minimize damage. To that end, the amendment contained in section 114 of S. 3418, as reported, which would expand the definition of "construction costs," should be helpful.

The committee would further emphasize that while the areas sought to be protected by section (4) (f) of the Department of Transportation Act and section 138 of title 23 are important, there are other high priority items which must also be weighed in the balance. The committee is extremely concerned that the highway program be carried out in such a manner as to reduce in all instances the harsh impact on people which results from the dislocation and displacement by reason of highway construction. Therefore, the use of park lands properly protected and with damage minimized by the most sophisticated construction techniques is to be preferred to the movement of large numbers of people.

(Federal-aid Highway Act of 1968, S. Rept. 90–1340, pp. 18–19.)

Urban Impact of Highways

During 1967 the committee reviewed Federal policy relating to urban highway planning, location, and design.

> * * * Most people realize how important highways are to the continued social and economic development of our Nation. Highways have proven to be one of the great contributors to our system of communication, as well as transportation. When people are able to move freely, safely, and conviently from place to place, the resulting exchange of information, goods, and services works to the benefit of the entire national community.
>
> * * * * * * *
>
> We hope through these hearings to come to an understanding of what is being done and what can be done in urban highway construction to make highways a force for improved environment rather than as a factor which accentuates the already existing elements of decay, disruption, and displacement.

(Opening statement at hearings of the Senate Committee on Public Works, on Urban Highways, 1967, Pt. 1, pp. 1–5.)

> First, we must apply to all capital improvement programs a full accounting of their social and environmental costs and build into all of these programs the means of meeting these costs;
>
> And second, we must design all capital improvements to serve more than a single purpose so that full social and environmental benefit is extracted from such public investments.
>
> The application of these two principles to the highway program, I believe, is clear. The cost accounting applied to urban highways until now has been deficient in that the ledger shows the costs of the program only in terms of acquisition, design, and construction. It does not show such real and tangible costs as the additional street and storage capacity required at points of egress; the taking of land from the tax rolls; the dislocation of the people in the highway's path; the reduction in value of adjacent property, the division and disruption of neighborhoods stemming from insensitive location; and the visual blight resulting from insensitive design.
>
> * * * * * * *
>
> I believe, and I will return to the point, that the highway program should include all the costs of building an urban highway, including those that I have itemized, and pay a fair share of these costs. To put it another way, I believe that the highway program, and the highway user, should meet the

consequences of the powerful and potentially disruptive act of highway building in the city.

(Testimony of William Slayton, Urban America, at hearings of the Senate Committee on Public Works, on Urban Highways, 1967, Pt. 1, pp. 5–21.)

We had to take available published data, much of it very primitive indeed, but I think any examination clearly must include not only factors of physiographic and slopes and so on, bridge crossings points, but really must include social factors and resource values too, and the development I think of a humane and civilized route selection method will concentrate I think not on engineering considerations but matters of man, institution, and resource values.

(Testimony of Ian McHarg, University of Pennsylvania, at hearings of the Senate Committee on Public Works, on Urban Highways, 1967, Pt. 1, p. 61.)

In the view of the committee, the emphasis of the Federal Highway Administration on the development of multiple land and air rights use, as an integral part of urban highway planning design, is well placed. We encourage the Department of Transportation, the Federal Highway Administration, and individual State highway departments to give continued strong support to this so-called joint development concept.

The significance of the concept's potential value is impressive in terms of savings to the public, of more productive land use in densely populated or highly concentrated urban areas, and of prevention of haphazard development along the highway right-of-way.

The public saves from joint development because, on its behalf, the highway department eliminates costly severance damages associated with acquiring a highway right-of-way through partial takings of land. Instead, the parcels are acquired in their entirity for fair price, and the unused portions either developed or sold for development.

(Federal-aid Highway Act of 1968, S. Rept. 90–1340, p. 8.)

Urban highway planning

There is almost universal agreement on the need to approach the complexities of urban highway planning and development with all the professional and scientific expertise available. For too long, highways were designed, located, and constructed as single purpose projects. They were built to serve the needs of traffic and, in many cases, without regard to their disruptive effects on urban environment. Use of joint urban development as well as other techniques has done much to correct the situation. The committee believes that improvement in the overall coordination of highway projects is taking place.

* * * * * * *

It should produce the basic mechanics needed, to provide a better evaluation of urban transportation needs in terms of social, esthetic, and economic values. It must be

pointed out, however, that the approach must be classified as experimental. The committee is also aware that an approach such as this, will tend to prolong the completion of the Interstate System while these extensive studies take place.

There is no doubt that the knowledge gained in these efforts, will provide a foundation for new methods and techniques to assist in solving our complex urban transportation problems.

(Federal-aid Highway Act of 1968, S. Rept. 90–1340, pp. 11–12.)

ECONOMIC DEVELOPMENT

* * * over the years, the steeply sloped Appalachian farms have remained relatively upproductive and have undergone severe erosion. The resulting denuded slopes have marred the scenic beauty of the land, contributed to widespread siltation of its streams, and have thus impeded the development of the great potential for recreation and tourism.

Most of the small crop farming now practiced in Appalachia is on a marginal basis and too frequently provides only a bare subsistence living for the small farmer. It is, however, unrealistic to expect every small Appalachian farmer to give up his farm immediately—an act which would largely result in simply transforming rural poverty into urban poverty. Also, many of the small farmers of the region, especially the elderly ones, are deeply rooted in the land and prefer to live out their years on the farm, rather than become public welfare clients in the towns and cities. Thus, a coherent and equitable Appalachian development program must provide for restoration of the land under its present inhabitants and enable them to realize what benefits the land can furnish.

(Appalachian Regional Development Act of 1965, S. Rept. 89–13, p. 11.)

Water resources

An abundant annual rainfall in Appalachia gives the region a water resource potential that can be found in few other areas of the country. Unfortunately, this potential has never been fully realized, and all too often, water acts as a curse rather than a blessing in Appalachia.

With proper control and management, Appalachia's water resources can become the region's most precious natural asset, providing almost unlimited opportunities for recreational activities and incentives for industrial development (*18*)

(Appalachian Regional Development Act of 1965, S. Rept. 89–13, p. 15.)

Mine area restoration

Much of the Appalachian landscape has been ravaged by the mining of coal. Former practices of both strip mining and deep mining operations have eroded the hillsides, polluted the streams, and endangered the lives of thousands of people. Though present enlightened management practices have made great progress over former years, the abuses of past

coal mining practices serve as a major deterrent to industrial and recreational development in Appalachia.

(Appalachian Regional Development Act of 1965, S. Rept. 89–13, p. 16.)

TITLE III—PROPERTY ACQUISITION

General Statement

The Senate has been concerned with the problems of space almost from the beginning. When all Senators could no longer be accommodated in the Senate wing of the Capitol, the Senate in 1891 acquired the old Maltby Building which once stood at the junction of New Jersey Avenue and B Street. This building was known as the Senate Annex.

In 1909 three wings of the first Senate Office Building to be constructed were completed and occupied, and the fourth wing was completed in 1933. This building is now known as the Old Senate Office Building.

By the middle of the 1940's it became apparent that additional office space for the Senate must be provided, and in 1947 the 80th Congress passed Public Law 169, which authorized the Architect of the Capitol, under the direction of the Senate Office Building Commission, to prepare preliminary plans and estimates for an additional Senate Office Building. This building, now known as the New Senate Office Building, was completed and occupied in 1958.

When the New Senate Office Building was being occupied for the first time, the Committee on Rules and Administration determined that each standing committee of the Senate should be entitled to a minimum of one hearing room and five adjacent offices. At the present time there is not a single unassigned or unoccupied room on the Senate side of the Capitol Building or in either of the two Senate Office Buildings. Provision of space to accommodate Senators and Senate activities has long since passed the critical stage.

In order to determine how prevalent the shortage of space was, the Subcommittee on Public Buildings and Grounds of the Committee on Public Works sent letters to all Members of the Senate and to the chairmen of Senate committees and subcommittees, asking whether they required additional office space. As the result of these inquires, 72 Senators and 24 committees and subcommittees indicated that they needed additional office space. It is evident that this additional space can be provided on a permanent basis only through the construction of an extension to the New Senate Office Building.

Such an extension was envisioned when the New Senate Office Building was designed. In view of the present heavy financial commitments of the U.S. Government, this is not the appropriate time to initiate construction of this badly needed addition. However, in order to have the necessary site available at such time as the addition to the New Senate Office Building can be constructed and to reduce to the very minimum the cost of the site, the remaining lots in square 725 which would be needed as a part of the site should be acquired immediately.

It is estimated that the cost of these six remaining lots will not exceed $1,250,000.

The Need

The New Senate Office Building is located in square 725, and if this building is eventually extended to the east in this square, which is the only way it can be done, it will be necessary for the United States to own all of the property contained in the square, with the exception of lot 885, which is known as the Belmont House. Public Law 85–591, approved August 6, 1958, authorized the acquisition of all remaining privately owned property in square 725, except lots 863, 864, 885, 892, 893, 894, and 905. Since all of these lots, except lot 885, would be required for the construction of a building addition and, in view of the rapidly rising land costs in this area, these lots should be purchased as expeditiously as possible.

Hearing

On August 3, 1967, the Subcommittee on Public Buildings and Grounds conducted a hearing to find out how critical the Senate office space situation was, and to seek means of providing additional space to alleviate the unsatisfactory working conditions with which many Members of the Senate are faced. Testimony was received from 12 Senators in person, and 14 additional Senators submitted statements for the record. It was the general consensus of the testimony offered that the only permanent solution to the office space problem was through the construction of an addition to the New Senate Office Building.

Date	Location	Source	Quantity and material	Waters affected	Comments
Jan 2	Seattle, Wash	Washington Natural Gas Co , storage tank	90,000 gallons diesel	Lake Washington, Puget Sound	Booms, straw, and chemicals used, resource damage minor.
Jan 7	Albany, N.Y	Sears Oil Co , storage tank	100,000 gallons ballast	Hudson River, N.Y	Booms and straw used by company.
Jan. 14	Lima, Ohio	Buckeye Pipeline Co., pipeline break	700,000 gallons crude oil	Ottawa River, Ohio	People evacuated from affected section of city, STP damaged.
Jan. 16	Waterford, Conn	Seaboard Transport Co., barge grounded and punctured.	Unknown quantity No. 6 fuel or bunker "C".	Long Island Sound	Shoreface smeared from Rocky Neck, Conn. to Point Judith, R.I. Waterfowl damaged.
Jan. 24	Cape Gireadeau, Mo		Unknown quantity of gasoline	Mississippi River	Detected by water treatment plant operators.
Jan. 28	Santa Barbara, Calif	Union Oil Co., platform A	Copious quantities of crude oil.	Santa Barbara Channel	Seepage from ocean floor continues.
Jan. 30	New Orleans, La	Union Barge Co., sunken barge	2,500 barrels No. 6 fuel	Lower Mississippi River	High river flow dissipated oil.
Do	Cincinnati, Ohio	Suspected bilge pumpings	Unknown quantity, slick ½ by 6 miles.	Ohio River	Dissipated naturally.
Feb. 7	Bridgeport, Conn	Leaking barge	200 gallons of oil	Bridgeport Harbor	Cleanup by company complete by Feb. 13, 1969.
Feb. 8	Rouge River, Mich	Discharge pipe from shore installation	150 gallons coking oil, grade No. 1.	Rouge River, Mich	Oil stayed on top of ice precluding cleanup.
Feb. 9	Buzzard's Bay, Mass	Tanker SS "Algol"	Small quantity No. 6 fuel	Buzzard's Bay, Mass	Vessel was moved to Staten Island on Mar. 17 and offloaded.
Feb. 13	Grand Isle, La	"Magnolia" marine barge	30 barrels crude oil	Bayou Rigaud, La	Booms, vacuum trucks, and straw used to collect most of the spilled material.
Feb. 14	Portland, Maine	Vessel pumped bilges	Oily, bilge water, 3 barrels	Portland Harbor, Maine	Vessel libeled by U.S. attorney.
Feb. 19	Providence, R.I	Overflow from storage tank	1,000 gallons No. 5 fuel	Providence River, R.I	Sawdust used to absorb spilled oil.
Feb. 20	Memphis, Tenn	Barges in collision	2,500 barrels No. 2 fuel	Mississippi River	Spilled material dissipated by high river flow.
Feb. 23	Oswego, N.Y	Niagara-Mohawk Power Co. pipeline	3,000 gallons No. 2 fuel	Oswego Harbor, N.Y	Company applied dispersants.
Feb. 24	Piney Point, Md	Spilled by tanker in off-loading	Small quantity of oil	Potomac River	Steuart Petroleum Co. applied dispersant.
Do	Port Neches, Tex	Refinery pipeline	50 barrels gasoline	Port Neches Harbor, Tex	Booms and vacuum truck used by company (Texaco).
Feb. 28	Port Arthur, Tex	Collision of barge and motor vessel	100 barrels gasoline	Sabine Lake, Tex	Spilled material contained and removed from water.
Mar. 3	Grey Bull, Wyo	Marathon pipeline broke	2,000 barrels crude oil	Bighorn River, Wyo	Straw boom used to stop and absorb part of spill.
Do	Wolf Creek, Mont	Train derailment	4 tank cars, oil	Little Prickly Pear Creek	Earthen dam thrown across creek contained oil until it could be pumped out.
Mar. 4	Cook Inlet, Alaska	Tanker 22 "Yukon" grounded, cargo tanker holed.	1,000 barrels crude oil	Cook Inlet	Resulting slick dissipated.
Mar. 6	Boston, Mass	Broken hose on motor vessel	7 barrels oil	Mystic River, Boston, Mass	Oil contained by booms, and removed by water.
Mar. 12	Grand Isle, La	Hose blown from transfer pump	12 barrels oil	Gulf of Mexico	Offshore winds of 20 knots blew the oil out to sea and dissipated it.
Mar. 12	Offshore rig, La	Separator carryover line leaked	5 barrels	do	Wind and wave action dissipated oil.
Mar. 14	Napa, Calif	Vandalized storage tanks	20,000 gallons gasoline and 500 gallons weed killer.	Napa River, Calif	Materials trapped in a ditch leading to the river, none escaped.
Mar. 15	Perth Amboy, N.J	Ship fire and explosion at dock	Small quantities of gasoline and oil.	Arthur Kill, N.J	Chemicals and foam used for fire control.
Mar. 17	Mobil Co. rig on ship shoal, Louisiana.	Offshore oil well blowout	400 square mile oil slick	Gulf of Mexico	Favorable weather dissipated oil slick.
Mar. 20	Gloucester, Mass	Tank truck overflowed	1,000 gallon fuel oil	Annesquam River, Mass	Small quantity escaped to the River—no cleanup needed.
Mar. 21	Chicago, Ill	Shoreside storage tank	40,000–50,000 pounds soybean oil.	Chicago River	Private contractor used boom and skimmer to remove material, MSD took legal action.

Date	Location	Source	Quantity and material	Waters affected	Comments
Mar. 28	Kettle Point, R.I	Tanker "T. V. Agia Trias Trinity"	50 barrels, No. 6 oil	Providence River	Boom to vacuum pump.
Apr. 2	Boston, Mass	Tanker "Alkins"	½ barrel No 2 fuel	Chelesa Creek, Mass	Spilled material boomed and removed by private contractor.
Apr. 3	Stamford, Conn	Leakage from boiler, American Cyanamide	1,500 gallons, No 6 fuel	Long Island Sound	Boom placed but heavy rains washed oil into salt marsh
Apr. 4	Waterford, Conn	Suspected transient vessel pumped bilges	Unknown quantity of heavy oil mixed with brown liquid	Niantic Bay, Conn	Containment of widely separated slicks Material dispersed nautrally
Apr 7	New Orleans, La	Collision between barges and motor vessel	Quantity not estimated	Mississippi River	Missing crewmen and fire that ensued overshadowed pollution
Do	Washington, D C	Gasoline truck overturned on highway bridge	4,000 plus gallons of gasoline	Anacostia River	District of Columbia Fire Department flushed material into river; gasoline evaporated
Do	Chicago, Ill	Gasoline barge	600 barrels gasoline	Calumet River, Ill	Boomed and dissipated.
Do	Boston, Mass	Tanker "Texaco Kansas," sloppy workmen	25 barrels No. 6	Boston Harbor	Boomed and cleaned up by private contractor.
Apr. 9	Portland, Maine	Leaky valve on slop tank	3 barrels crude	Portland Harbor	Vessel libeled, material cleaned up by contractor.
Apr. 10	Portsmouth, N.H	Tanker "Monsoon"	100 barrels bunker "C"	Piscataqua River	Private contractor cleaned up.
Do	Seabright, N.J	Unknown	60 percent of beach in 500 yard stretch smeared.	None	Samples collected to try to identify source.
Apr. 14	Baltimore, Md	CG sludge barge sank	500 gal. of oil slop	Marley Creek	CG placed boom and applied dispersant.
Apr. 12	Norfolk, Va	Suspect U.S.S. "Independence"	Large broken slick of 1 to 1.5 inch depth, bunker "C".	Thimble Shoal, Chesapeake Bay.	Ships master contacted Apr. 14—no action reported as yet.
Apr. 22	Detroit River, Mich	Chrysler Corp., Cycleweld plant	96,000 gallons of industrial cutting oil.	Detroit River, Lake Erie	Wind and wave action dispersed material, no damage reported.
Apr. 27	Kansas City, Mo	Barge, New Orleans Barge Co	Triple super phosphate	Missouri River	Barge salvaged without incidence of pollution.
Apr. 29	St. Croix, Virgin Islands	Tanker, "Mobil Apex"	Naptha, gasoline, and bunker "C".	Ocean waters off St. Croix	Pollution secondary, ship was afire, therefore, safety considerations were most important.
Apr. 30	Arthur Kill, N.J	Tanker Esso "Boston"	50 bbl. No. 6 fuel	Arthur Kill, N.J	Booms and vacuum trucks used to clean up by company.
May 2	Indiana Harbor, Ind	Broken line on oil barge, Youngstown Sheet & Tube Co.	20,000 gallons No. 6 fuel	Indiana Harbor canal	Contractor used booms and vacuum trucks to clean up. Retrieved 15,000 gallons.
May 6	Saginaw, Mich	Unknown	50 gallons of benzene	Saginaw River, Mich	Booms used to contain material until it evaporated.
May 7	Gowanus, N.Y	Overflowing storage tank	240 barrels No. 4 fuel oil	Gowanus Canal, upper New York Bay.	Spill discovered by harbor patrol, not reported by principals, C.E. acting under Refuse Act.
Do	Falkner Island, N.Y	Barge "Pittston" No. 40, holed cargo tank	200 barrels No. 6 fuel	Central Long Island Sound	Spilled oil dissipated by wind and wave action.
May 8	Harrisville, Mich	Unknown	Oily globs appearing to be bunker "C".	Lake Huron, 10 miles o	Little impact on waters, local residents cleaned beaches.
May 11	Portsmouth, N.H	Barge "Robert L. Poling"	Unknown quantity No. 2 fuel	Piscataqua River, N.H	Most of spillage dispersed by currents. Fish reported to have been killed.
May 13	Petty Island, N.J	Cities Service, terminal dock collapse	1 barrel oil, large quantity gasoline.	New York Harbor	Gasoline dissipated naturally; oil contained and cleaned up.
Do	New Brunswick, N.J	Barge "Seaboard No. 88"	70 barrels No. 6 fuel	Raritan River, N.J	Booms and vacuum trucks used to contain and clean up oil.
Do	La Grange, Mo	2 Meljoy Transportation Co., barges	Gasoline	Missouri River	Fire on barges. Pollution considered secondary in importance.
May 19	Oleum, Calif	Tanker, "SS Eagle Courier"	Alaska crude, 50 barrels	San Francisco Bay, Calif	Straw used by company to collect spillage, dispersant used for final polishing.
May 20	Bridgeport, Conn	Unknown	Unknown quantity of oil, slick 100 by 600 feet.	Bridgeport Harbor	Slick dissipated by tidal action.

May 23	Lake Arthur, La	Barge, Scurlock Oil Co	1,800 barrels No. 2 fuel oil	Lake Arthur and Mermentau River, La.	Boom and vacuum trucks used to contain and clean up. Louisiana Game and Fish Commission arrested barge.
June 12	Massena, N.Y	Fractured heat exchange, Alcoa plant	Unknown quantity No. 6 fuel, 2½ miles of shoreline coated.	Grasse River, N.Y	Company used straw to collect oil on water.
June 5	Anchorage, Alaska	Union oil asphalt facility	124 barrels lube oil	Knik Arm, Cook Inlet, Alaska	Company used straw for cleanup.
Do	Winona, Wis	Barge UN 554	2,000 gallons gasoline	Mississippi River	Swift currents dissipated spillage.
June 6	Marysville, Mich	Sun Oil Co., Sarnia, Canada	Oil	St. Clair River	Oil did not affect U.S. waters.
June 7	Braintree, Mass	Citgo terminal	100,000 gallons No. 2 fuel	Weymouth Fore River	Private contractor used booms, vacuum trucks and chemicals for cleanup. Beaches smeared.
June 12	Grover City, Calif	Unknown	Crude oil, undetermined quantity.	9 miles of Pismo Beach smeared.	Local forces cleaned up.
June 13	Cape Sebastian, Oreg	do	Oil—slick 300 yards by 10 miles.	Pacific Ocean	Sighted by BFC personnel, no action taken other than surveillance. Dissipated.
June 16	Near Williamsburg, Va	Lost in transfer from barge to tanker	10 barrels fuel oil	York River, Va	Company cleaned up spillage.
Do	Alma, Wis	Barge NBC 902	500 barrels No. 2 fuel	Mississippi River	Currents dissipated spill. Company notified of Federal concern by Great Lakes Region. Corps cleaned up residual and billed company.
June 17	Honolulu, Hawaii	Unknown	Oil	Waikiki Beach, Ala Wai Yacht Harbor.	Wind blew oil back to sea, vessels that were fouled were cleaned by owners.
June 19	Chicago, Ill	MV Big D	100 gallons oil	Chicago Harbor, Lake Michigan.	Straw and skimmer used for cleanup. Company disclaimed responsibility. Local government arranged cleanup.
Do	do	Unknown	Emulsified oil slick 300 by 1 mile.	North Branch, Chicago River	C.G. boomed to contain oil, MSD cleaned up.
June 20	Lake Ontario	Ship passing and emptying bilge tanks	Unknown; oil	St. Lawrence River	No evidence of oil slick after extensive search.
Do	Lake Michigan	Unknown	do	Lake Michigan, 43–15N, 87–24W.	Rate of dissipation indicated no serious pollution.
Do	Alma, Wis	Houglunt Towing Co., Paducah, Ky	64,000 gallons No. 2 fuel oil	Mile 754, Mississippi River	Legal action against pilot of M/V Jim Hougland reported taken by State of Wisconsin for violation of Wisconsin Statute 29.29/3.
June 24	Salt River, Ky	Mid-Valley Pipe Line Co	Unknown; oil	Extent of spill is to dam 43 on Ohio River 4 miles below mouth of Salt River.	Civil health officials on scene conducting investigation.
Do	Cleveland, Ohio	Oil always present due to backwater eddy caused by main sewer plant discharge.	Unknown; tramp oil	Cuyahoga Rivver	Submit letter report I AW CG–299.
June 25	Neah Bay, Wash	Tanker Elpis	Trace; oil	Neah Bay	No damaged ascertained. Investigation continued on possible enforcement action.
Do	Belmont, Ky	Mid-Valley Pipeline Co	Unknown; oil	Salt and Ohio River	Pipeline leakage stopped. Oil slick is presenly breaking up on the Salt River.
Do	Anchorage, Alaska	Tanker Elpis	25 mile slick; bunker C	Anchorage Harbor	Investigated and action taken by State of Alaska and Coast Guard.
June 26	Mile 645–646.5, Tennessee River.	Volunteer Asphalt Co., Knoxville, Tenn	Asphalt with oil mixed in	Tennessee River	Company used straw to collect oil.
June 30	Farmers Union Grain Terminal, Howards Bay, Wis.	Storm drain at head of slip	Unknown; oil	Howards Bay	Boom placed across slip in front of drain to contain oil.
July 1	Kansas City, Kans	Oil drained from dump during rain	Unknown, oil	Kansas River	State will take action to insure that situation will not recur.

32-497 O—69——5

OIL SPILLS—JAN 1–JULY 11, 1969—Continued

Date	Location	Source	Quantity and material	Waters affected	Comments
July 3	Cape Girardeau	Tow pusher, Ashland Oil Co	Slight amount, Heptane	Mississippi River, Mile 51	Heptane dissipated by river conditions.
Do	Ft. Myers, Fla	Ferryboat aground	1,600 gallons oil	Caloosahatchee River	CG reported no navigational hazard and minimal pollutional effects.
July 7	Misquamicut State Beach, R.I.	Unknown	Unknown, asphalt	Misquamicut State Beach	Minor contamination of beach areas and much was cleaned up or removed by change of tide.
Do	Fire Island, N.Y.	Coming ashore in vicinity of Robert Moses State Park.	Unknown, oil	Off south coast of Fire Island	No containment problem exist since all oil on beach.
Do	Port Everglades, Fla	Vessel sinking, Symco Trading Co., Nassau, Bahamas.	2,000–3,000 gallons oil	6 miles southeast of Port Everglades.	No leakage, oil pumped overside.
Do	Houston Ship Channel	M/V "Esso New York," Humble Refinery	Approximately 1,000 gallons kerosene.	Houston Ship Channel	As the spill was on the inboard side of vessel and there was no outgoing tide at the time, no hazard to navigation in channel.
July 9	Immigration Canyon, Utah.	Ruptured pipeline, Earthen Dythe & Oil Co	1st, 500 barrels oil, 2d, 1,400–1,600 barrels.	Jordon River and Weber River Basin.	None of the oil reached any water course.
July 10	Delaware Memorial Bridge.	Tanker collided with new span of Delaware Bridge.	298,000 barrels, NR bunker oil	Delaware River	No pollution observed. Little or no debris in river.
July 11	Mile 830 Ohio River	4-inch pipeline break—Sohio Co	50 barrels, crude oil	Mile 830 Ohio River	Company is cleaning up oil residual.
Do	Bayonne, N.J	Spilled from a fuel oil exchange heater	10 barrels, No. 6 oil	New York Harbor	Texaco rigged boom and vacuumed up oil from surface.
Do	Near Demopolis, Ala	Collision of tug "Carl D" and tug "Wisconsin".	Unknown, crude oil	Black Warrior River at mile 225.	

SECTION-BY-SECTION ANALYSIS

TITLE I—WATER QUALITY IMPROVEMENT

SECTION 101

This section would cite this title as the "Water Quality Improvement Act of 1969".

SECTION 102

Section 102 of the bill would repeal sections 17 and 18 of the Act; redesignate sections 11 through 16 as sections 16 through 21 and section 19 as section 22; and add five new sections. The repealed sections 17 and 18 called for studies and reports to be completed in 1967 and 1968, respectively. There is no further work required under either section.

Section 11—Control of pollution from vessels

The new section 11 is concerned with the control of the discharge of sewage from vessels into the navigable waters of the United States. This provision reflects recommendations in the report entitled "Wastes from Watercraft" (S. Doc. 90–48) submitted to the Congress by the Department of the Interior on August 7, 1967.

Section 11(a)—Definitions

Section 11(a) would define the various terms used in the section.

Section 11(b)—Standards

This section would direct the Secretary of the Interior within two years after the effective date of this section to promulgate standards of performance for marine sanitation devices to prevent the discharge of untreated or inadequately treated sewage from all new and existing vessels equipped with installed toilet facilities. These standards must be consistent with maritime safety and other marine laws and regulations. The section would also direct the Coast Guard to promulgate regulations which govern the design, construction, installation, and operation of marine sanitation devices installed on board vessels subject to this section. The regulations must be consistent with the standards.

This section would also exempt from such standards and regulations vessels equipped with a device installed pursuant to State requirements prior to the promulgation of such standards and regulations, until the device is replaced or unless it does not remain in compliance with the applicable State law.

Section 11(c)—Effective date

This section would provide that standards and regulations for new vessels become effective two years after promulgation. Standards and regulations for existing vessels would become effective five years after promulgation. Revisions thereof would be effective on date specified in such revisions.

The Coast Guard may waive application of standards and regulations to various classes, types, and sizes of vessels for such periods as may be necessary and, upon application, waivers may be granted for individual vessels. It is expected that the Coast Guard would consult with the Secretary of the Interior before granting waivers of any standards.

Section 11(d)—Application to Federal vessels

This section would require compliance with Federal standards and regulations by public vessels of the United States, except where compliance conflicts with national security, as determined by the Secretary of Defense.

Section 11(e)—Consultation

This section would require that the Secretary and the Coast Guard consult with Federal and State agencies and other interested parties and comply with the provisions of section 553 of the United States Code (the Administrative Procedure Act) prior to promulgation of standards and regulations.

Section 11(f)—Preemption

This section would preempt State or local laws or regulations relative to the design, manufacture, installation, or use of marine sanitation devices on new or existing vessels for which such devices are required under section 11(c) after the Federal standards and regulations applicable to such vessels are effective. Such State laws and regulations could still continue in effect in the case of other vessels. Also, a State may prohibit all sewage discharges from all vessels into certain waters within its boundaries in order to implement applicable water quality standards. This section will aid in insuring uniform standards and regulations, while recognizing the paramount importance of not permitting even treated discharges in some waters in furtherance of the water quality standards program.

Section 11(g)—Certification

This section would prohibit the sale or delivery into commerce of a device, the prototype of which is not certified; establish procedures for certification; and provide for the maintenance of records.

Section 11(h)—Unlawful acts

This section would provide that, after the effective date of standards and regulations, it shall be unlawful:

To manufacture, or distribute for sale, vessels, subject to Federal standards and regulations without a certified device;

To, wrongfully, remove or render inoperative a certified marine sanitation device installed prior to sale or delivery to the ultimate purchaser;

To refuse Federal authorities access to records; and

To operate a vessel subject to the standards and regulations if it is not equipped with an operable device.

Section 11(i)—Injunctive relief

This section would give jurisdiction to the courts to restrain those who under section 11(h), unlawfully manufacture or distribute for

sale vessels without a device, remove or render inoperative a device, or refuse access to records.

Section 11(j)—Penalties

This section would establish civil penalties in case of violations of section 11(h) to be assessed after notice and hearing by the Coast Guard. Civil penalties not paid after administrative proceedings may be collected by the United States in the Federal district courts in a de novo proceeding.

Section 11(k)—Enforcement

This section would place the responsibility for enforcement in the Coast Guard with assistance by the Secretary of the Interior, other Federal agencies, or the States.

Section 11(l)—Inspection

This section would authorize the Coast Guard to inspect vessels in U.S. waters and issue and execute warrants.

Section 11(m)—Jurisdiction

This section would grant jurisdiction to various courts in cases of actions arising under section 11.

Section 12—Control of oil discharge

The new section 12 is concerned with the control and cleanup of oil discharges into inland waters of the United States and waters of the U.S. territorial seas, and in the case of vessels, into the waters of the 9-mile zone contiguous to the territorial sea. Its purpose is to insure swift removal of discharged oil in order to prevent, minimize, or mitigate damage to property and our natural resources. It does not apply to discharges from offshore facilities covered by leases and regulations under the Outer Continental Shelf Lands Act, but does not in any way affect claims to persons or agencies damaged by such discharges.

Section 12(a)—Definitions

This section would define the various terms used in the section.

The definition of "oil" is very broad, and only specifically excludes dredged spoil. This definition is concerned with petroleum and petroleum products and therefore vegetable oil and similar products would not be included.

The definition of "discharge" is designed to cover by its broad terms all possible means of fouling the waters with oil.

The definition of a "vessel" is identical to that in section 3, Title 1, United States Code, and would include all vessels, both foreign and domestic.

The definition of the term "public vessel" would cover Federal-and State-owned and operated vessels and vessels owned and operated by a foreign country, except those not engaged in commerce.

The definition of "United States" includes Guam, American Samoa, the Virgin Islands, Puerto Rico, the Canal Zone, and the Trust Territory of the Pacific Islands, as well as all the States and the District of Columbia.

The definition of "owner and operator" would include individuals or organizations, such as a corporation, association, firm, or partnership, that own, operate, charter by demise, a vessel, or own or operate an onshore or offshore facility.

The definition of a "contiguous zone" is the zone established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone (TI AS 5639). The authority under which the United States may regulate, with regard to pollution by oil, the conduct of foreign vessels beyond the territorial sea and impose sanctions for violation of such regulations is contained in article 24 of the Convention on the Territorial Sea and the Contiguous Zone. Article 24 1(a) allows the coastal State "in a zone of the high seas contiguous to its territorial seas" to exercise the control necessary to "prevent infringement of its * * * sanitary regulations within its territory or territorial sea."

Article 24 1(b) allows the State to "punish infringement of the above regulations committed within its territory or territorial sea." The Department of State, in testifying before the Senate Foreign Relations Committee, took the position that article 24 confirmed the U.S. practice of exercising customs jurisdiction in a zone beyond the territorial sea and extended such jurisdiction to fiscal, immigration and sanitary matters as well. (Hearing before the Committee on Foreign Relations, U.S. Senate, 86th Cong., second sess., Jan. 20, 1960, pp. 82, 93). Such customary practice included the right to arrest and impose criminal sanctions for violations of U.S. customs laws in the zone beyond the territorial sea.

The definition of "onshore and offshore facilities" distinguishes between drilling and production facilities and other facilities. Drilling and production facilities and related appurtenances, such as pipelines, platforms, barges used for drilling purposes, etc., are those that are used or capable of being used solely for the purpose of exploring for, drilling, or producing oil. The other facilities are those that are used or capable of being used to process, transport, or transfer oil, or to store oil commercially. Neither definition applies to individual homes where oil is stored, or small businesses other than marine facilities which are used or capable of being used to store 500 barrels of oil or less. Few existing or planned service stations have a storage capacity of more than 500 barrels. In either case, the facility could be located either permanently or temporarily on dry land or land under the navigable waters of the United States which includes inland waters and coastal waters out to the 3-mile territorial sea limit.

The definition of an "act of God" means an act occassioned exclusively by violence of nature without the interference of any human action.

Section 12(b) (1)—Discharge prohibition

This section would prohibit all oil discharges into U.S. waterways and the waters of the contiguous zone from any source, except where permitted under a 1954 convention, and where permitted by regulations issued by the President. Such regulations would be issued pursuant to 5 U.S.C. 553 relative to rulemaking and must be consistent with maritime laws and regulations and water quality standards.

Section 12(b) (2)—Discharge penalty

This section would authorize a civil penalty for knowingly violating the regulations promulgated under the previous section. If payment

is not forthcoming administratively, such penalty may be collected in the Federal district court in a de novo proceeding.

Section 12(c)—Notice requirement

This section would require any person in charge of a vessel or an offshore or onshore facility at the time of a discharge of oil into the navigable waters of the United States or into the waters of the contiguous zone to notify immediately the United States.

This section would also provide a criminal penalty for any person in charge of such vessel or facility who knowingly fails to notify the United States. The term "person in charge" is deliberately designed to cover only supervisory personnel who have the responsibility for the particular vessel or facility and not to include other employees. The purpose of the notice provision is to prevent or mitigate damage and facilitate cleanup. Such notice and information contained therein may not ke used in any criminal action under Federal or State laws.

Section 12(d)(1)—Regulations

This section would direct the President to issue regulations to govern the removal of oil which is discharged, aid in the enforcement of this section, prevent oil pollution, and establish criteria for oil removal contingency plans. It is expected that the President will periodically review these regulations and make appropriate changes to reflect changing conditions and to take into account advances in the technology for the handling of oil and for removing oil discharged. The regulations will also cover procedures to review and approve, where appropriate, such plans of owners or operators as well as public agencies.

Section 12(d)(2)—Penalties

This section would authorize a civil penalty for violating the above regulations. If payment is not forthcoming administratively, such penalty may be collected in the Federal district court in a de novo proceeding.

Section 12(e)—General liability

The section would require that when oil is discharged in violation of section 12(b) the oil must be removed immediately under the above regulations. The object of this provision is to make the discharger completely responsible for cleaning up the discharged oil and preventing or lessening potential damage.

It would provide, if the discharger fails, or is unable to act to remove the oil, authority for the President may take appropriate measures to remove the oil either directly or by contract. If the discharger acts improperly the President could also act to remove the oil.

Section 12(f)—Vessel liability

This section would limit the liability of a vessel owner or operator for the cost of removal of discharged oil by the United States to up to $125 per gross ton of the vessel, or $14 million, whichever is less. This limitation, however, would not apply if the discharge was the result of a negligence or a willful act on the part of the owner or

operator or his agents, employees, etc. In such case, the owner or operator would be liable for all costs of removal borne by the United States. The owner or operator may not be held liable, however, for these costs if he can prove the discharge was caused solely by an act of God or war or negligence of the U.S. Government or any act of a third party.

The reference in this section and section 12(i) to negligence of the U.S. Government is not intended, nor should it be construed as creating any new liability on the part of the Government. Further, where it is alleged that negligence of the U.S. Government arises through a negligent act or omission of a Federal employee, the owner or operator must show that the employee was acting within the scope of his office or employment, but still negligent, and the exceptions in 28 U.S.C. 2680 are intended to be applicable here in determining whether the U.S. Government was negligent or not.

Section 12(f) (2)—Financial responsibility

This section would provide that any vessel over 300 gross tons which use any port or place in the United States or the navigable waters of the United States for any purpose must establish evidence of financial responsibility of $100 per gross ton to meet the maximum potential liability to the United States which the vessel could be subjected to for the discharge of oil under section 12(f)(1). The financial responsibility should be established pursuant to regulations to be prescribed from time to time by the agency head to which the President has delegated this responsibility. Financial responsibility may include insurance policies, bonds, evidence of self-insurance, or evidences of such responsibility that the agency head deems appropriate. All bonds filed must be issued by a bonding company authorized to do business in the United States. Provisions of financial responsibility also apply to barges that are equivalent in size to vessels over 300 tons.

Section 12(g)—Service of process

This section would require that a person in the United States be designated for service of process in matters arising under section 12.

Section 12(h)—Treasury clearance of vessels

This section would direct that the Secretary of Treasury withhold clearance of a vessel, other than a public vessel, that is liable for any costs or penalties to the United States under section 12 or has failed to meet the requirements for financial responsibility.

Section 12(i)(1)—Onshore and offshore facility responsibility

This section would limit the liability of an owner or operator of a nondrilling-production facility to the United States for the cost incurred in removing discharged oil to $125 per ton of oil which such facility is capable, while operating at maximum capacity, of either processing, transporting, transferring in any 24-hour period, or storing in its largest unit. The limitation, however, would not apply if the discharge was the result of negligence or a willful act of the owner or operator, his agent, or any employee thereof. Also, the owner or operator would not be liable for such costs if he is able to prove that the discharge was caused solely by an act of God or war, or solely by

negligence of the U.S. Government or solely by an act of a third party. In determining the amount of the liability, the owner or operator would be required to establish conclusively the capacity of the facility.

Section 12(i)(2)—Onshore and offshore drilling-production facility liability

This section would establish the liability of an owner or operator to the United States for oil discharges from an onshore or offshore drilling-production facility of not to exceed $8 million. This limitation, however, would not apply if the discharge was due to a negligent or willful act on the part of the owner or operator, his agent, or any employee thereof. The owner or operator would not be responsible for costs where he can prove that the discharge was caused solely by an act of God or war or solely by the act of a third party or solely by negligence of the U.S. Government.

Section 12(j)—Recovery from the United States

In any instance where the owner or operator removes the discharged oil and he is subsequently able to prove in a suit brought against the United States in the Court of Claims that the discharge was caused solely by an act of a third party or an act of God or war or by negligence on the part of the U.S. Government, the owner or operator is entitled to recover such costs from the fund established under section 12(k). If the discharge was caused solely by an act of a third party, the United States shall be subrogated to any rights that the owner or operator may have against such third party. This section does not apply to cases where liability is established under the Outer Continental Shelf Lands Act. The United States, of course, would have normal rights of appeal.

Section 12(k)—Delegation and revolving fund

This section would authorize the President to delegate his functions under section 12 to one or more appropriate Federal agencies. It would authorize a revolving fund. The maximum amount in the fund from appropriations would be $50 million.

Section 12(l)—Rights Over

This section would establish that the provisions of section 12 are not intended to affect the rights of an owner or operator or the U.S. Government against third parties who may have caused or contributed to an oil discharge.

Section 12(m)—Enforcement

This section would grant enforcement authority in carrying out provisions of section 12.

Section 12(n)—Emergency Action

This section would provide authority similar to that in an 1899 statute administered by the Secretary of the Army (33 U.S.C. 415). It would authorize the United States in cases where the President determines that there is an imminent and substantial threat to the public health or welfare, because of an actual threat or discharge of oil into the navigable waters of the United States from a vessel, to take immediate possession of the vessel and such other action that may be appropriate. Any expenses incurred by the United States could be

recovered subject to the same limitations found in sections 12 (f) and (g).

Similarly, the President under the same conditions may require that the U.S. attorney seek relief to abate any actual or threatened discharge of oil from any onshore or offshore facility.

Section 12(o)—Jurisdiction

This section would provide jurisdiction in the Federal district courts and in various other district courts relative to Guam, Virgin Islands, American Samoa, Trust Territory of the Pacific Islands, and the Canal Zone.

Section 12(p)—Other Laws Not Affected

This section would provide that the provisions of section 12 shall not be construed as affecting or modifying any other existing authorities under Federal Water Pollution Control Act, as amended, or any other Federal law or any State or local law not in conflict with the provisions of section 12.

Section 12(q)—Disclaimer

This section would provide that section 12 will not affect or modify the obligations of any owner or operator for damages to persons or property resulting from the discharge of oil or from the removal of such oil.

Section 13—Control of hazardous polluting substances

This new section 13 is concerned with the identification, control, and cleanup of hazardous substances, other than oil.

Section 13(a)–(f)—Identification of hazardous substances

This section would direct the President to develop, promulgate, and revise regulations designating various hazardous substances, other than oil, which when discharged in any quantity into the navigable waters of the United States, or the waters of the contiguous zone, would present an imminent and substantial danger to the public health or welfare and establishing where appropriate, criteria for the removal of such substances. The development of these regulations must include consultation with various public and private agencies and organizations and individuals interested in such regulations. Where appropriate, public hearings could be held in developing the regulations. Consideration must also be given to the latest available scientific data, technical feasibility of the regulations, and experience gained under the Federal Water Pollution Control Act. Regulations would be published in the Federal Register as proposed regulations and interested persons would be given at least 30 days to comment thereon. At the end of that time the regulations may be finally promulgated unless an interested person has filed objections stating grounds therefor and requesting a public hearing on such objections. After the notice period, the objections must be published in the Federal Register by notice and a public hearing held as soon as possible thereafter. On completion of the hearing, the President must make findings of fact and he may promulgate such modification of regulations as appropriate or take other action as he deems appropriate. All findings must be made public.

Any person aggrieved by such regulation for which a hearing was held may within 60 days file a petition in the U.S. Court of Appeals

for the District of Columbia requesting that the regulation be modified or set aside. The court must hear the appeal on the record made before the President and the substantial evidence rule shall apply to the findings of the President. The court may affirm, vacate, or remand the proceedings. The review afforded by this procedure in the Court of Appeals shall be exclusive as to the person seeking the petition and such person cannot raise the validity of the regulation in any subsequent procedure relating to the enforcement thereof. The filing of a petition does not stay the regulations unless the court so orders after finding that there is substantial likelihood that the President's findings are erroneous and that irreparable injury will result if the stay is not granted.

Section 13(g)—Notice

This section would require that notice be given immediately to the United States upon the discharge of any hazardous substance from an onshore or offshore facility or a vessel in order to permit immediate action to remove or otherwise mitigate damage from the discharged substance. Criminal penalties apply for anyone who knowingly fails to so notify. Such notice and information contained therein may not be used in any criminal action under Federal or State law.

Section 13(h)—Removal

This section would direct that the United States remove any discharged substance unless appropriate action is taken immediately by the discharger to remove the substance.

Section 13(i)—Penalties

This section would provide civil penalties for violation of regulation promulgated under section 13(a). If payment is not forthcoming administratively such penalties may be collected in Federal court in a de novo proceeding.

Section 13(j)—Disclaimer

This section would provide that section 13 will not affect or modify the obligations of an owner or operator for damages to anyone for damage to persons or property resulting from the discharge of a hazardous substance or from the removal of such substance.

Section 13(k)—Enforcement

This section would provide enforcement authority in carrying out the provisions of section 13.

Section 13(l)—Court jurisdiction

This section would provide jurisdiction in the Federal district courts in case of any actions arising under section 13.

Section 13(m)—Definition

This section would define various terms used in section 13 and make applicable the definitions of section 12(a) as to the terms, oil, discharge, vessels, public vessel, United States, person, contiguous zone, and act of God.

Section 13(n)—Report

This section would require that the President submit a report to the Congress by November 1, 1970, on the need for, and desirability of, legislation imposing liability for the cost of removal of hazardous substances. The report would be based on an accelerated study on

the methods and measures for controlling substances, the most appropriate measures for enforcement, and the methods of imposing sanctions where removal is impossible or impractical.

Section 13(o)—Delegation

This section would authorize the President to delegate his responsibility to other Federal agencies. In addition it would make available for the purpose of section 13 the fund established under section 12 of the Act.

Section 14—Area Acid and Other Mine Water Pollution Control Demonstrations

This new section 14 would authorize a demonstration program regarding acid or other mine water pollution control.

Section 14(a)

This section would authorize the Secretary of the Interior to carry out an areawide program within all or part of a watershed to demonstrate methods for the elimination or control of acid or other mine water pollution resulting from active or abandoned mines. The work would be done under agreements with the interested States or interstate agencies acting jointly or severally depending on where the project is located. The projects must demonstrate the engineering and economic feasibility and practicality of using single or multiple-abatement techniques.

Section 14(b)

This section would provide that the project area be all or part of a watershed. In selecting such an area, the Secretary must (1) require to the extent needed, a feasibility study which may be carried out by the Secretary or the States, (2) give a preference to those areas with the greatest public values and uses either present or future, and (3) be satisfied that the project area will not be affected to any serious degree from other polluting sources.

Section 14(c)

This section would provide that the State share of a project shall be at least 25 percent of the total project costs. This payment may be in the form of land or interests therein actually acquired by the State or a subdivision thereof for the project after the enactment of this new section, facilities, and personal services, and money. The value of the land, facilities, and services will be determined by the Secretary. It is the purpose of this section to encourage the States to participate to the greatest extent possible so that there may be developed meaningful projects which will produce the experience needed to develop an effective control program.

This section would require the State to establish adequate mechanisms and controls, including plans of enforcement, to prevent any activity that may cause future mine water pollution and destroy or severely damage the work carried out in the project area.

Section 14(d)

This section would authorize an appropriation of $15 million for this program. The funds would be available until expended. It would also limit the total Federal grant to any one State in any one year to 25 percent of the funds actually appropriated to carry out this program.

Section 15—Pollution control in Great Lakes

This section would authorize the Secretary of the Interior to carry out a program to demonstrate new methods and techniques and develop preliminary plans to eliminate control of pollution within all or any part of the watersheds of the Great Lakes. In carrying out these projects, State political subdivisions, interstate agencies, or other public agencies, acting jointly or severally, must pay at least 25 percent of the actual project cost; $20 million are authorized to be appropriated for this project.

SECTION 103

This section would amend redesignated section 16 of the Federal Water Pollution Control Act, as amended, to read as follows:

Section 16(a)—Federal agency compliance

This section is similar to the present section 11 of the Federal Water Pollution Control Act as amended. The new section, however, would require that every Federal agency having jurisdiction over any real property or any facility or activity of any kind shall insure compliance with applicable water quality standards in the administration of the property, facility, or activity consistent with an approved plan for implementation. This section would also authorize appropriations to carry out this requirement.

Section 16(b)—Compliance by lessees and contracting party

This section would require that when a Federal agency (1) issues a lease to any person for the use of any Federal property or facility or (2) contracts for the operation of such property or facility or (3) contracts for the entire operation of any non-Federal facility, such agency must insure compliance with the applicable water control quality standards and purposes of this Act in administering such lease or contract. When appropriate, a certification obtained under section 16(c) for a Federal license or permit shall be evidence of compliance with the water quality standards.

Section 16(c)—Compliance by licensee and permittee

This section applies to applicants for Federal licenses or permits to construct or operate any facility or to conduct any activity which may result in any discharge in the navigable waters of the United States. It does not apply to Federal agencies.

The section would require that the applicant for such Federal license or permit provide a certification from the State in which the discharge originates to the Federal licensing or permitting agency and notice thereof to the Secretary of the Interior, that there is reasonable assurance that the facility or activity will comply with applicable water quality standards. In appropriate cases, the certification would be obtained from an interstate water pollution control agency. Where water quality standards for interstate waters have not been approved or promulgated under section 10(c) of the Federal Water Pollution Control Act, as amended, the certification must be obtained from the Secretary of the Interior. The certifying agency has 1 year after receipt of application for certification to notify the applicant of such certification or of intent not to certify. After the Secretary of the Interior determines that the discharge may affect the applicable water quality standards of a State or States other than the certifying State, the Secretary must notify the other States within 60 days after receipt of the notice of an application for a license or permit. If such other

States within 30 days after receipt of notification from the Secretary determine that the discharge will adversely affect its standards, they should notify the Secretary and the Secretary has an additional 30 days to review such determination. If upon such review he finds such adverse effect, the Secretary shall require that before the license or permit is issued that appropriate conditions be included to insure compliance with the standards.

No Federal license or permit can be granted without a certification and such conditions as the State, interstate agency, or Secretary may reasonably require. These conditions could include, among other things, provision for suspension or termination of the license or permit for failure to comply with the standards.

If, in the case of discharge affecting States other than the State of origin and where the Secretary requires conditions that are more stringent than those of the State where the discharge originates, the applicant may request a hearing by the Federal licensing or permitting agency and such agency shall make findings on the conditions to be included in a license or permit. Such findings must be public and they shall not require conditions that are less stringent than those of the State where the discharge occurs. The licensing or permitting agency will, of course, provide an opportunity for the affected States and the Secretary to participate in such hearing and to appeal the findings in a Federal court within a reasonable time after the issuance thereof as provided in statute under which the license or permit is issued or under the Administrative Procedure Act.

The Federal licensee or permittee must provide the certifying State or, as appropriate, the interstate agency or the Secretary of notice of any changes in the facility or activity which may affect applicable water quality standards.

A certification for Federal license or permit for a particular facility or activity shall satisfy the requirement of certification for any later Federal license or permit necessary for such facility or activity unless, after receiving notice of an application for such later Federal license or permit, a State or the Secretary notifies such Federal licensing or permitting agency that there has been a change in the nature of the activity, the design of the facility, the natural characteristics of the waters into which the discharge will be made, or in the water quality standards applicable to such waters, and there is no longer reasonable assurance of compliance with water quality standards. In such instances a second certification will be required.

In the case of any Federally licensed or permitted facility or activity which is not required to obtain a Federal operating license or permit, the licensee or permittee must give the certifying State, or interstate agency, or the Secretary an opportunity to review the manner in which the facility or activity will be operated or conducted for the purpose of assuring compliance with water quality standards. This requirement would apply prior to the actual operation of the facility or activity. Upon receipt of notice from the certifying State, the interstate agency, or the Secretary, that the operation will not comply with the standards, the Federal agency must suspend the license or permit until notice is received of reasonable assurance of compliance.

If, in any case, a Governor of a State or the Secretary notifies the licensing or permitting agency that the facility or activity has been found by a court to be in violation of the standards, such license or permit may be suspended or terminated, as circumstances require, by the Federal agency.

If actual construction of a facility has been begun under a Federal license or permit prior to the effective date of this section, no certification shall be required for any Federal operating license or permit for such facility issued within 2 years of such date. Any Federal operating license or permit issued during such 2-year period, however, without the benefit of the certification must be terminated after the end of the 2-year period unless, prior to that time, the licensee or permittee obtains a certification. If, in any case where there is a Federal license or permit application pending on the effective date of this section and where such license or permit is issued within 1 year of such date, a certification will not be required for 1 year following the issuance of license or permit. The license or permit, however, will terminate at the end of that year unless certification is obtained.

In the case of any activity which will affect water quality for which there are no applicable standards, no certification will be required. However, a Federal licensing or permitting agency, in such event, must impose, as a condition of any license or permit, a requirement that the licensee or permittee shall comply with the purposes of the Act.

If a State in which a discharge originates or the Secretary notifies a Federal agency that its licensee or permittee has received notice of the adoption of water quality standards applicable to such activity and has failed to comply with the standards, the Federal agency must after a period of time, suspend license or permit until notice is received that there is reasonable assurance of compliance.

Section 16(d)—Other authority not affected

This section provides that section 16 of the Act is not to be interpreted in any way to affect the authority of any Federal agency pursuant to this Act or any other provision of law relative to compliance with water quality standards. The Secretary of the Interior is also directed to provide technical assistance as may be necessary to carry out the purposes of this Act.

Section 16(e)—Use of Federal spoil disposal area

This section will authorize Corps of Engineers to permit the use of spoil disposal areas under its jurisdiction by a Federal licensee or permittee and to charge for such use. Moneys received would be deposited to miscellaneous receipts.

SECTION 104

This section would amend section 5 to the Federal Water Pollution Control Act. The amendments would streamline the provisions of that section by deleting the present subsection (g) relating to an estuary study and inserting that subsection as a new subsection in section 21 of the Act.

The new section 5 would also add a new subsection (g) relating to the training of personnel to operate and maintain existing and

future treatment works and related activities. Under this new program the Secretary will finance pilot programs of manpower development in training and retraining of people interested in entering, or who are actually in the field of operation and maintenance of such works. The purpose of the program is to supplement, not supplant, other manpower training programs. The Secretary can carry out these programs directly or through joint ventures with the States and other public or private agencies.

The Secretary is also authorized to enter into agreements to develop and maintain an effective system for forecasting the needs of various occupational categories in the water pollution field.

The new subsection would authorize the Secretary, in carrying out the purposes of the Federal Water Pollution Control Act, to make grants and enter into contracts, establish and maintain research fellowships, and provide additional training in technical programs in the water pollution field. The Secretary is required to submit a report to Congress by September 30, 1970, summarizing actions taken under the new subsection; including information on the number of persons trained, categories for which training was provided, effectiveness of various training programs in this field, and provide estimates of the needs of this field.

This section would also add two new subsections to section 5 relating to lake pollution research and oil pollution research.

A new subsection (j) would be added which would give the Secretary authority to acquire land and interest therein by purchase, donation, or exchange in connection with any demonstration projects that he undertakes under the act and the development of field laboratory and research facilities. This authority is similar to that which was available to the program prior to its transfer from the Department of Health, Education, and Welfare to the Interior Department. While in HEW, that Department had broad land acquisition authority applicable to all its programs. In the case of the Department of the Interior, land acquisition authority is limited to specific program areas rather than a departmentwide basis.

This section would also authorize appropriations to carry out provisions of this section except subsection (g)(1) and (2) at the current level of authorization which is $65 million for fiscal years 1970 and 1971. In the case of subsection (g)(1), the authorization would be $5 million for fiscal year 1970 and $7.5 million for next fiscal year. In the case of subsection (g)(2), the authorization is $2.5 million for each of those fiscal years.

SECTION 105

This section would amend section 6 of the Act by extending the appropriation authorization 2 fiscal years at the current level of authorization.

SECTION 106

This section is a technical amendment deleting reference to the Oil Pollution Act of 1924.

SECTION 107

This section is a technical amendment inserting the word "navigable" in the provisions relating to the establishment of water quality standards. This addition would require that the Secretary, the Hearing

Board, or a State consider the use and value of waters for navigation as well as for other purposes.

SECTION 108

This section would repeal the Oil Pollution Act of 1924.

TITLE II—ENVIRONMENTAL QUALITY

SECTION 201

This section would cite this title as the Environmental Quality Improvement Act of 1969 and make certain congressional findings relative to the national policy set forth in specific statutes for the enhancement of environmental quality.

SECTION 202

Federal Public Works Activities

This section would require each Federal agency conducting or supporting public works activity which affect the quality of the environment to implement the policies established by the President under this Act.

SECTION 203

Office of Environmental Quality

This section would establish in the Executive Office of the President an Office of Environmental Quality.

SECTION 204 ADVISORY COMMITTEES

This section would direct that an advisory committee be established having a broad range of concern of population growth and environmental quality and planning for the future.

SECTION 205

This section would authorize appropriations to carry out the purposes of this title.

TITLE III—PROPERTY ACQUISITION

SECTION 301

This section would authorize the Architect of the Capitol to acquire real property for an additional office building for the U.S. Senate by purchase, condemnation, transfer, or otherwise. It also authorizes the Architect of the Capitol when directed by the Senate Office Building Commission to provide for demolition and/or removal of any building or other installation on such property and pending such demolition to use the property for governmental purposes or to lease the property. It extends the jurisdiction of the capitol police to such property once acquired and authorizes appropriations to carry out the purposes of this Act.

32-497 O—69——6

CHANGES IN EXISTING LAW

In compliance with subsection (4) of the rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

FEDERAL WATER POLLUTION CONTROL ACT, AS AMENDED

DECLARATION OF POLICY

SECTION 1. (a) The purpose of this Act is to enhance the quality and value of our water resources and to establish a national policy for the prevention, control, and abatement of water pollution.

(b) In connection with the exercise of jurisdiction over the waterways of the Nation and in consequence of the benefits resulting to the public health and welfare by the prevention and control of water pollution, it is hereby declared to be the policy of Congress to recognize, preserve, and protect the primary responsibilities and rights of the States in preventing and controlling water pollution, to support and aid technical research relating to the prevention and control of water pollution, and to provide Federal technical services and financial aid to State and interstate agencies and to municipalities in connection with the prevention and control of water pollution. The Secretary of the Interior (hereinafter in this Act called "Secretary") shall administer this Act through the Administration created by section 2 of this Act, and with the assistance of an Assistant Secretary of the Interior designated by him, shall supervise and direct the head of such Administration in administering this Act. Such Assistant Secretary shall perform such additional functions as the Secretary may prescribe.

(c) Nothing in this Act shall be construed as impairing or in any manner affecting any right or jurisdiction of the States with respect to the waters (including boundary waters) of such States.

FEDERAL WATER POLLUTION CONTROL ADMINISTRATION

SEC. 2. Effective ninety days after the date of enactment of this section there is created within the Department of the Interior a Federal Water Pollution Control Administration (hereinafter in this Act referred to as the "Administration"). The head of the Administration shall be appointed, and his compensation fixed, by the Secretary. The head of the Administration may, in addition to regular staff of the Administration, which shall be initially provided from the personnel of the Department, obtain, from within the Department or otherwise as authorized by law, such professional, technical, and clerical assistance as may be necessary to discharge the Administration's functions

and may for that purpose use funds available for carrying out such functions; and he may delegate any of his functions to, or otherwise authorize their performance, by an officer or employee of, or assigned or detailed to, the Administration.

COMPREHENSIVE PROGRAMS FOR WATER POLLUTION CONTROL

SEC. 3. (a) The Secretary shall, after careful investigation, and in cooperation with other Federal agencies, with State water pollution control agencies and interstate agencies, and with the municipalities and industries involved, prepare or develop comprehensive programs for eliminating or reducing the pollution of interstate waters and tributaries thereof and improving the sanitary condition of surface and underground waters. In the development of such comprehensive programs due regard shall be given to the improvements which are necessary to conserve such waters for public water supplies, propagation of fish and aquatic life and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses. For the purpose of this section, the Secretary is authorized to make joint investigations with any such agencies of the condition of any waters in any State or States, and of the discharges of any sewage, industrial wastes, or substance which may adversely affect such waters.

(b)(1) In the survey or planning of any reservoir by the Corps of Engineers, Bureau of Reclamation, or other Federal agency, consideration shall be given to inclusion of storage for regulation of streamflow for the purpose of water quality control, except that any such storage and water releases shall not be provided as a substitute for adequate treatment or other methods of controlling waste at the source.

(2) The need for and the value of storage for this purpose shall be determined by these agencies, with the advice of the Secretary, and his views on these matters shall be set forth in any report or presentation to the Congress proposing authorization or construction of any reservoir including such storage.

(3) The value of such storage shall be taken into account in determining the economic value of the entire project of which it is a part, and costs shall be allocated to the purpose of water quality control in a manner which will insure that all project purposes share equitably in the benefits of multiple-purpose construction.

(4) Costs of water quality control features incorporated in any Federal reservoir or other impoundment under the provisions of this Act shall be determined and the beneficiaries identified and if the benefits are widespread or national in scope, the costs of such features shall be nonreimbursable.

(c)(1) The Secretary shall, at the request of the Governor of a State, or a majority of the governors when more than one State is involved, make a grant to pay not to exceed 50 per centum of the administrative expenses of a planning agency for a period not to exceed 3 years, if such agency provides for adequate representation of appropriate State, interstate, local, or (when appropriate) international, interests in the basin or portion thereof involved and is capable of developing an effective, comprehensive water quality control and abatement plan for a basin.

(2) Each planning agency receiving a grant under this subsection shall develop a comprehensive pollution control and abatement plan for the basin which—

(A) is consistent with any applicable water quality standards established pursuant to current law within the basin;

(B) recommends such treatment works and sewer systems as will provide the most effective and economical means of collection, storage, treatment, and purification of wastes and recommends means to encourage both municipal and industrial use of such works and systems; and

(C) recommends maintenance and improvement of water quality standards within the basin or portion thereof and recommends methods of adequately financing those facilities as may be necessary to implement the plan.

(3) For the purposes of this subsection the term "basin" includes, but is not limited to, rivers and their tributaries, streams, coastal waters, sounds, estuaries, bays, lake, and portions thereof, as well as the lands drained thereby.

INTERSTATE COOPERATION AND UNIFORM LAWS

SEC. 4. (a) The Secretary shall encourage cooperative activities by the States for the prevention and control of water pollution; encourage the enactment of improved and, so far as practicable, uniform State laws relating to the prevention and control of water pollution; and encourage compacts between States for the prevention and control of water pollution.

(b) The consent of the Congress is hereby given to two or more States to negotiate and enter into agreements or compacts, not in conflict with any law or treaty of the United States, for (1) cooperative effort and mutual assistance for the prevention and control of water pollution and the enforcement of their respective laws relating thereto, and (2) the establishment of such agencies, joint or otherwise, as they may deem desirable for making effective such agreements and compacts. No such agreement or compact shall be binding or obligatory upon any State a party thereto unless and until it has been approved by the Congress.

RESEARCH, INVESTIGATIONS, TRAINING, AND INFORMATION

SEC. 5. (a) The Secretary shall conduct in the Department of the Interior and encourage, cooperate with, and render assistance to other appropriate public (whether Federal, State, interstate, or local) authorities, agencies, and institutions, private agencies and institutions, and individuals in the conduct of, and promote the coordination of, research, investigations, experiments, demonstrations, and studies relating to the causes, control, and prevention of water pollution. In carrying out the foregoing, the Secretary is authorized to—

(1) collect and make available, through publications and other appropriate means, the results of and other information as to research, investigations, and demonstrations relating to the prevention and control of water pollution, including appropriate recommendations in connection therewith;

[(2) make grants-in-aid to public or private agencies and institutions and to individuals for research or training projects and for demonstrations, and provide for the conduct of research, training, and demonstrations by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes;]

(2) make grants-in-aid to public or private agencies and institutions and to individuals for research and demonstrations, and provide for the conduct of research and demonstrations by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes; and

(3) secure, from time to time and for such periods as he deems advisable, the assistance and advice of experts, scholars, and consultants as authorized by section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a)[;].

[(4) establish and maintain research fellowships in the Department of the Interior with such stipends and allowances, including traveling and subsistence expenses, as he may deem necessary to procure the assistance of the most promising research fellowships:

Provided, That the Secretary shall report annually to the appropriate committees of Congress on his operations under this paragraph; and

[(5) provide training in technical matters relating to the causes, prevention, and control of water pollution to personnel of public agencies and other persons with suitable qualifications.]

(b) The Secretary may, upon request of any State water pollution control agency, or interstate agency, conduct investigations and research and make surveys concerning any specific problem of water pollution confronting any State, interstate agency, community, municipality, or industrial plant, with a view of recommending a solution of such problem.

(c) The Secretary shall, in cooperation with other Federal, State and local agencies having related responsibilities, collect and disseminate basic data on chemical, physical, and biological water quality and other information insofar as such data or other information relate to water pollution and the prevention and control thereof.

(d) In carrying out the provisions of this section the Secretary shall develop and demonstrate under varied conditions (including conducting such basic and applied research, studies, and experiments as may be necessary):

(A) Practicable means of treating municipal sewage and other waterborne wastes to remove the maximum possible amounts of physical, chemical, and biological pollutants in order to restore and maintain the maximum amount of the Nation's water at a quality suitable for repeated reuse;

(B) Improved methods and procedures to identify and measure the effects of pollutants on water uses, including those pollutants created by new technological developments; and

(C) Methods and procedures for evaluating the effects on water quality and water uses of augmented streamflows to control water pollution not susceptible to other means of abatement.

(e) The Secretary shall establish, equip, and maintain field laboratory and research facilities, including, but not limited to, one to be

located in the northeastern area of the United States, one in the Middle Atlantic area, one in the southeastern area, one in the midwestern area, one in the southwestern area, one in the Pacific Northwest, and one in the State of Alaska, for the conduct of research, investigations, experiments, field demonstrations and studies, and training relating to the prevention and control of water pollution. Insofar as practicable, each such facility shall be located near institutions of higher learning in which graduate training in such research might be carried out.

(f) The Secretary shall conduct research and technical development work, and make studies, with respect to the quality of the waters of the Great Lakes, including an analysis of the present and projected future water quality of the Great Lakes under varying conditions of waste treatment and disposal, an evaluation of the water quality needs of those to be served by such waters, an evaluation of municipal, industrial, and vessel waste treatment and disposal practices with respect to such waters, and a study of alternate means of solving water pollution problems (including additional waste treatment measures) with respect to such waters.

[(g)(1) The Secretary shall, in cooperation with the Secretary of the Army, the Secretary of Agriculture, the Water Resources Council, and with other appropriate Federal, State, interstate, or local public bodies and private organizations, institutions, and individuals, conduct and promote, and encourage contributions to, a comprehensive study of the effects of pollution, including sedimentation, in the estuaries and estuarine zones of the United States on fish and wildlife, on sport and commercial fishing, on recreation, on water supply and water power, and on other beneficial purposes. Such study shall also consider the effect of demographic trends, the exploitation of mineral resources and fossil fuels, land and industrial development, navigation, flood and erosion control, and other uses of estuaries and estuarine zones upon the pollution of the waters therein.

[(2) In conducting the above study, the Secretary shall assemble, coordinate, and organize all existing pertinent information on the Nation's estuaries and estuarine zones; carry out a program of investigations and surveys to supplement existing information in representative estuaries and estuarine zones; and identify the problems and areas where further research and study are required.

[(3) The Secretary shall submit to the Congress a final report of the study authorized by this subsection not later than three years after the date of enactment of this subsection. Copies of the report shall be made available to all interested parties, public and private. The report shall include, but not be limited to—

[(A) an analysis of the importance of estuaries to the economic and social well-being of the people of the United States and of the effects of pollution upon the use and enjoyment of such estuaries;

[(B) a discussion of the major economic, social, and ecological trends occurring in the estuarine zones of the Nation;

[(C) recommendations for a comprehensive national program for the preservation, study, use, and development of estuaries of the Nation, and the respective responsibilities which should be assumed by Federal, State, and local governments and by public and private interests.

[(4) There is authorized to be appropriated the sum of $1,000,000 per fiscal year for the fiscal years ending June 30, 1967, June 30, 1968, and June 30, 1969, to carry out the purposes of this subsection.

[(5) For the purpose of this subsection, the term "estuarine zones" means an environmental system consisting of an estuary and those transitional areas which are consistently influenced or affected by water from an estuary such as, but not limited to, salt marshes, coastal and intertidal areas, bays, harbors, lagoons, inshore waters, and channels, and the term "estuary" means all or part of the mouth of a navigable or interstate river or stream or other body of water having unimparied natural connection with open sea and within which the sea water is measurably diluted with fresh water derived from land drainage.]

(g)(1) For the purpose of providing an adequate supply of trained personnel to operate and maintain existing and future treatment works and related activities, and for the purpose of enhancing substantially the proficiency of those engaged in such activities, the Secretary shall finance a pilot program, in cooperation with State and interstate agencies, municipalities, educational institutions, and other organizations and individuals of manpower development and training and retraining of persons in, or entering into, the field of operation and maintenance of treatment works and related activities. Such program and any funds expended for such a program shall supplement, not supplant, other manpower and training programs and funds available for the purposes of this paragraph. The Secretary is authorized, under such terms and conditions as he deems appropriate, to enter into agreements with one or more States, acting jointly or severally, or with other public or private agencies or institutions for the development and implementation of such a program.

(2) The Secretary is authorized to enter into agreements with public and private agencies and institutions, and individuals to develop and maintain an effective system for forecasting the supply of, and demand for, various professional and other occupational categories needed for the prevention, control, and abatement of water pollution in each region, State, or area of the United States and, from time to time, to publish the results of such forecasts.

(3) In furtherance of the purposes of this Act, the Secretary is authorized to—

(A) make grants to public or private agencies and institutions and to individuals for training projects, and provide for the conduct of training by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes;

(B) establish and maintain reserach fellowships in the Department of the Interior with such stipends and allowances, including traveling and subsistence expenses, as he may deem necessary to procure the assistance of the most promising research fellowships; and

(C) provide, in addition to the program established under paragraph (1) of this subsection, training in technical matters relating to the causes, prevention, and control of water pollution for personnel of public agencies and other persons with suitable qualifications.

(4) The Secretary shall submit, through the President, a report to the Congress by September 30, 1970, summarizing the actions taken under this subsection and the effectiveness of such actions, and setting forth the

number of persons trained, the occupational categories for which training was provided, the effectiveness of other Federal, State, and local training programs in this field, together with estimates of future needs, recommendations on improving training programs, and such other information and recommendations, including legislative recommendations, as he deems appropriate.

(h) The Secretary is authorized to enter into contracts with, or make grants to, public or private agencies and organizations and individuals for (A) the purpose of developing and demonstrating new or improved methods for the prevention, removal, and control of natural or manmade pollution in lakes, including the undesirable effects of nutrients and vegetation, and (B) the construction of publicly owned research facilities for such purpose.

(i) The Secretary shall engage in such research, studies, experiments, and demonstrations as he deems appropriate relative to the removal of oil from any waters and to the prevention and control of oil pollution, and shall publish from time to time the results of such activities. In carrying out this subsection, the Secretary may enter into contracts with, or make grants to, public or private agencies and organizations and individuals.

(j) In carrying out the provisions of this section relating to the conduct by the Secretary of demonstration projects and the development of field laboratories and research facilities, the Secretary may acquire land and interests therein by purchase, with appropriated or donated funds, by donation, or by exchange for acquired or public lands under his jurisdiction which he classifies as suitable for disposition. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

[(h) There is authorized to be appropriated to carry out this section, other than subsection (g), not to exceed $60,000,000 for the fiscal year ending June 30, 1968, and $65,000,000 for the fiscal year ending June 30, 1969. Sums so appropriated shall remain available until expended.]

(k) There is authorized to be appropriated to carry out this section, other than subsection (g) (1) and (2), not to exceed $65,000,000 annually for the fiscal years ending June 30, 1969, June 30, 1970, and June 30, 1971. There is authorized to be appropriated to carry out subsection (g)(1) of this section $5,000,000 for the fiscal year ending June 30, 1970, and $7,500,000 for the fiscal year ending June 30, 1971. There is authorized to be appropriated to carry out subsection (g)(2) of this section $2,500,000 annually for the fiscal years ending June 30, 1970, and June 30, 1971. Sums so appropriated shall remain available until expended.

GRANTS FOR RESEARCH AND DEVELOPMENT

SEC. 6. (a) The Secretary is authorized to make grants to any State, municipality, or intermunicipal or interstate agency for the purpose of—

(1) assisting in the development of any project which will demonstrate a new or improved method of controlling the discharge into any waters of untreated or inadequately treated sewage or other wastes from sewers which carry storm water or both storm water and sewage or other wastes, or

(2) assisting in the development of any project which will demonstrate advanced waste treatment and water purification

methods (including the temporary use of new or improved chemical additives which provide substantial immediate improvement to existing treatment processes) or new or improved methods of joint treatment systems for municipal and industrial wastes, and for the purpose of reports, plans, and specifications in connection therewith.

(b) The Secretary is authorized to make grants to persons for research and demonstration projects for prevention of pollution of waters by industry including, but not limited to, treatment of industrial waste.

(c) Federal grants under subsection (a) of this section shall be subject to the following limitations:

(1) No grant shall be made for any project pursuant to this section unless such project shall have been approved by the appropriate State water pollution control agency or agencies and by the Secretary;

(2) No grant shall be made for any project in an amount exceeding 75 per centum of the estimated reasonable cost thereof as determined by the Secretary; and

(3) No grant shall be made for any project under this section unless the Secretary determines that such project will serve as a useful demonstration for the purpose set forth in clause (1) or (2) of subsection (a).

(d) Federal grants under subsection (b) of this section shall be subject to the following limitations:

(1) No grant shall be made under this section in excess of $1,000,000;

(2) No grant shall be made for more than 70 per centum of the cost of the project; and

(3) No grant shall be made for any project unless the Secretary determines that such project will serve a useful purpose in the development or demonstration of a new or improved method of treating industrial wastes or otherwise preventing pollution of waters by industry, which methods shall have industry-wide application.

(e) For the purposes of this section there are authorized to be appropriated—

(1) for the fiscal year ending June 30, 1966, and for each of the next [three] *five* succeeding fiscal years, the sum of $20,000,000 per fiscal year for the purposes set forth in subsections (a) and (b) of this section, including contracts pursuant to such subsections for such purposes;

(2) for the fiscal year ending June 30, 1967, and for each of the next [two] *four* succeeding fiscal years, the sum of $20,000,000 per fiscal year for the purpose set forth in clause (2) of subsection (a); and

(3) for the fiscal year ending June 30, 1967, and for each of the next [two] *four* succeeding fiscal years, the sum of $20,000,000 per fiscal year for the purpose set forth in subsection (b).

GRANTS FOR WATER POLLUTION CONTROL PROGRAMS

SEC. 7. (a) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1957, and for each succeeding fiscal year

to and including the fiscal year ending June 30, 1961, $3,000,000, for each succeeding fiscal year to and including the fiscal year ending June 30, 1967, $5,000,000, and for each succeeding fiscal year to and including the fiscal year ending June 30, 1971, $10,000,000 for grants to States and to interstate agencies to assist them in meeting the costs of establishing and maintaining adequate measures for the prevention and control of water pollution, including the training of personnel of public agencies.

(b) The portion of the sums appropriated pursuant to subsection (a) for a fiscal year which shall be available for grants to interstate agencies and the portion thereof which shall be available for grants to States shall be specified in the Act appropriating such sums.

(c) From the sums available therefor for any fiscal year the Secretary shall from time to time make allotments to the several States, in accordance with regulations, on the basis of (1) the population, (2) the extent of the water pollution problem, and (3) the financial need of the respective States.

(d) From each State's allotment under subsection (c) for any fiscal year the Secretary shall pay to such State an amount equal to its Federal share (as determined under subsection (h)) of the cost of carrying out its State plan approved under subsection (f), including the cost of training personnel for State and local water pollution control work and including the cost of administering the State plan.

(e) From the sums available therefor for any fiscal year the Secretary shall from time to time make allotments to interstate agencies, in accordance with regulations, on such basis as the Secretary finds reasonable and equitable. He shall from time to time pay to each such agency, from its allotment, an amount equal to such portion of the cost of carrying out its plan approved under subsection (f) as may be determined in accordance with regulations, including the cost of training personnel for water pollution control work and including the cost of administering the interstate agency's plan. The regulations relating to the portion of the cost of carrying out the interstate agency's plan which shall be borne by the United States shall be designed to place such agencies, so far as practicable, on a basis similar to that of the States.

(f) The Secretary shall approve any plan for the prevention and control of water pollution which is submitted by the State water pollution control agency or, in the case of an interstate agency, by such agency, if such plan—

(1) provides for administration or for the supervision of administration of the plan by the State water pollution control agency or, in the case of a plan submitted by an interstate agency, by such interstate agency;

(2) provides that such agency will make such reports, in such form and containing such information, as the Secretary may from time to time reasonably require to carry out his functions under this Act;

(3) sets forth the plans, policies, and methods to be followed in carrying out the State (or interstate) plan and in its administration;

(4) provides for extension or improvement of the State or interstate program for prevention and control of water pollution;

(5) provides such accounting, budgeting, and other fiscal

methods and procedures as are necessary for the proper and efficient administration of the plan; and

(6) sets forth the criteria used by the State in determining priority of projects as provided in section 8(b)(4).

The Secretary shall not disapprove any plan without first giving reasonable notice and opportunity for hearing to the State water pollution control agency or interstate agency which has submitted such plan.

(g)(1) Whenever the Secretary, after reasonable notice and opportunity for hearing to a State water pollution control agency or interstate agency finds that—

(A) the plan submitted by such agency and approved under this section has been so changed that it no longer complies with a requirement of subsection (f) of this section; or

(B) in the administration of the plan there is a failure to comply substantially with such a requirement,

the Secretary shall notify such agency that no further payments will be made to the State or to the interstate agency, as the case may be, under this section (or in his discretion that further payments will not be made to the State, or to the interstate agency, for projects under or parts of the plan affected by such failure) until he is satisfied that there will no longer be any such failure. Until he is so satisfied, the Secretary shall make no further payments to such State, or to such interstate agency, as the case may be, under this section (or shall limit payments to projects under or parts of the plan in which there is no such failure).

(2) If any State or any interstate agency is dissatisfied with the Secretary's action with respect to it under this subsection, it may appeal to the United States court of appeals for the circuit in which such State (or any of the member States, in the case of an interstate agency) is located. The summons and notice of appeal may be served at any place in the United States. The findings of fact by the Secretary, unless contrary to the weight of the evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action. Such new or modified findings of fact shall likewise be conclusive unless contrary to the weight of the evidence. The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in title 28, United States Code, section 1254.

(h)(1) The "Federal share" for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States, except that (A) the Federal share shall in no case be more than 66⅔ per centum or less than 33⅓ per centum, and (B) the Federal share for Puerto Rico and the Virgin Islands shall be 66⅔ per centum.

(2) The "Federal shares" shall be promulgated by the Secretary between July 1 and September 30 of each even-numbered year, on the basis of the average of the per capita incomes of the States and of the continental United States for the three most recent consecutive years

for which satisfactory data are available from the Department of Commerce.

(3) As used in this subsection, the term "United States" means the fifty States and the District of Columbia.

(4) Promulgations made before satisfactory data are available from the Department of Commerce for a full year on the per capita income of Alaska shall prescribe a Federal share for Alaska of 50 per centum and, for purposes of such promulgations, Alaska shall not be included as part of the "United States". Promulgations made thereafter but before per capita income data for Alaska for a full three-year period are available for the Department of Commerce shall be based on satisfactory data available therefrom for Alaska for such one full year or, when such data are available for a two-year period, for such two years.

(i) The population of the several States shall be determined on the basis of the latest figures furnished by the Department of Commerce.

(j) The method of computing and paying amounts pursuant to subsection (d) or (e) shall be as follows:

(1) The Secretary shall, prior to the beginning of each calendar quarter or other period prescribed by him, estimate the amount to be paid to each State (or to each interstate agency in the case of subsection (e)) under the provisions of such subsection for such period, such estimate to be based on such records of the State (or the interstate agency) and information furnished by it, and such other investigation, as the Secretary may find necessary.

(2) The Secretary shall pay to the State (or to the interstate agency), from the allotment available therefor, the amount so estimated by him for any period, reduced or increased, as the case may be, by any sum (not previously adjusted under this paragraph) by which he finds that his estimate of the amount to be paid such State (or such interstate agency) for any prior period under such subsection was greater or less than the amount which should have been paid to such State (or such agency) for such prior period under such subsection. Such payments shall be made through the disbursing facilities of the Treasury Department, in such installments as the Secretary may determine.

GRANTS FOR CONSTRUCTION

SEC. 8. (a) The Secretary is authorized to make grants to any State, municipality, or intermunicipal or interstate agency for the construction of necessary treatment works to prevent the discharge of untreated or inadequately treated sewage or other waste into any waters and for the purpose of reports, plans, and specifications in connection therewith.

(b) Federal grants under this section shall be subject to the following limitations: (1) No grant shall be made for any project pursuant to this section unless such project shall have been approved by the appropriate State water pollution control agency or agencies and by the Secretary and unless such project is included in a comprehensive program developed pursuant to this Act; (2) no grant shall be made for any project in an amount exceeding 30 per centum of the estimated reasonable cost thereof as determined by the Secretary; (3) no grant shall be made unless the grantee agrees to pay the remaining cost;

(4) no grant shall be made for any project under this section until the applicant has made provision satisfactory to the Secretary for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof; and (5) no grant shall be made for any project under this section unless such project is in conformity with the State water pollution control plan submitted pursuant to the provisions of section 7 and has been certified by the appropriate State water pollution control agency as entitled to priority over other eligible projects on the basis of financial as well as water pollution control needs; (6) the percentage limitation of 30 per centum imposed by clause (2) of this subsection shall be increased to a maximum of 40 per centum in the case of grants made under this section from funds allocated for a fiscal year to a State under subsection (c) of this section if the State agrees to pay not less than 30 per centum of the estimated reasonable cost (as determined by the Secretary) of all projects for which Federal grants are to be made under this section from such allocation; (7) the percentage imitations imposed by clause (2) of this subsection shall be increased to a maximum of 50 per centum in the case of grants made under this section from funds allocated for a fiscal year to a State under subsection (c) of this section if the State agrees to pay not less than 25 per centum of the estimated reasonable costs (as determined by the Secretary) of all projects for which Federal grants are to be made under this section from such allocation and if enforceable water quality standards have been established for the waters into which the project discharges, in accordance with section 10(c) of this Act in the case of interstate waters, and under State law in the case of intrastate waters.

(c) In determining the desirability of projects for treatment works and of approving Federal financial aid in connection therewith, consideration shall be given by the Secretary to the public benefits to be derived by the construction and the propriety of Federal aid in such construction, the relation of the ultimate cost of constructing and maintaining the works to the public interest and to the public necessity for the works, and the adequacy of the provisions made or proposed by the applicant for such Federal financial aid for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof. The sums appropriated pursuant to subsection (d) for each fiscal year ending on or before June 30, 1965, and the first $100,000,000 appropriated pursuant to subsection (d) for each fiscal year beginning on or after July 1, 1965, shall be allotted by the Secretary from time to time, in accordance with regulations, as follows: (1) 50 per centum of such sums in the ratio that the population of each State bears to the population of all the States, and (2) 50 per centum of such sums in the ratio that the quotient obtained by dividing the per capita income of the United States by the per capita income of each State bears to the sum of such quotients for all the States. All sums in excess of $100,000,000 appropriated pursuant to subsection (d) for each fiscal year beginning on or after July 1, 1965, shall be allotted by the Secretary from time to time, in accordance with regulations, in the ratio that the population of each State bears to the population of all States. Sums allotted to a State under the two preceding sentences

which are not obligated within six months following the end of the fiscal year for which they were allotted because of a lack of projects which have been approved by the State water pollution control agency under subsection (b)(1) of this section and certified as entitled to priority under subsection (b)(4) of this section, shall be reallotted by the Secretary, on such basis as he determines to be reasonable and equitable and in accordance with regulations promulgated by him, to States having projects approved under this section for which grants have not been made because of lack of funds: *Provided, however,* That whenever a State has funds subject to reallocation and the Secretary finds that the need for a project in a community in such State is due in part to any Federal institution or Federal construction activity, he may, prior to such reallocation, make an additional grant with respect to such project which will in his judgment reflect an equitable contribution for the need caused by such Federal institution or activity. Any sum made available to a State by reallotment under the preceding sentence shall be in addition to any funds otherwise allotted to such State under this Act. The allotments of a State under the second, third, and fourth sentences of this subsection shall be available, in accordance with the provisions of this section, for payments with respect to projects in such State which have been approved under this section, except that in the case of any project on which construction was initiated in such State after June 30, 1966, which was approved by the appropriate State water pollution control agency and which the Secretary finds meets the requirements of this section but was constructed without such assistance, such allotments for any fiscal year ending prior to July 1, 1971, shall also be available for payments in reimbursement of State or local funds used for such project prior to July 1, 1971, to the extent that assistance could have been provided under this section if such project had been approved pursuant to this section and adequate funds had been available. In the case of any project on which construction was initiated in such State after June 30, 1966, and which was constructed with assistance pursuant to this section but the amount of such assistance was a lesser per centum of the cost of construction than was allowable pursuant to this section, such allotments shall also be available for payments in reimbursement of State or local funds used for such project prior to July 1, 1971, to the extent that assistance could have been provided under this section if adequate funds had been available. Neither a finding by the Secretary that a project meets the requirements of this subsection, nor any other provision of this subsection, shall be construed to constitute a commitment or obligation of the United States to provide funds to make or pay any grant for such project. For purposes of this section, population shall be determined on the basis of the latest decennial census for which figures are available, as certified by the Secretary of Commerce, and per capita income for each State and for the United States shall be determined on the basis of the average of the per capita incomes of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce.

(d) There are hereby authorized to be appropriated for each fiscal year through and including the fiscal year ending June 30, 1961, the sum of $50,000,000 per fiscal year for the purpose of making grants under this section. There are hereby authorized to be appropriated, for the purpose of making grants under this section, $80,000,000 for the fiscal year ending June 30, 1962, $90,000,000 for the fiscal year ending June 30, 1963, $100,000,000 for the fiscal year ending June 30, 1964, $100,000,000 for the fiscal year ending June 30, 1965, $150,000,000 for the fiscal year ending June 30, 1966, $150,000,000 for the fiscal year ending June 30, 1967; 450,000,000 for the fiscal year ending June 30, 1968; $700,000,000 for the fiscal year ending June 30, 1969; $1,000,000,000 for the fiscal year ending June 30, 1970; and $1,250,000,000 for the fiscal year ending June 30, 1971. Sums so appropriated shall remain available until expended. At least 50 per centum of the funds so appropriated for each fiscal year ending on or before June 30, 1965, and at least 50 per centum of the first $100,000,000 so appropriated for each fiscal year beginning on or after July 1, 1965, shall be used for grants for the construction of treatment work servicing municipalities of one hundred and twenty-five thousand population or under.

(e) The Secretary shall make payments under this section through the disbursing facilities of the Department of the Treasury. Funds so paid shall be used exclusively to meet the cost of construction of the project for which the amount was paid. As used in this section the term "construction" includes preliminary planning to determine the economic and engineering feasibility of treatment works, the engineering, architectural, legal, fiscal, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action necessary to the construction of treatment works; and the erection, building, acquisition, alteration, remodeling, improvement, or extension of treatment works; and the inspection and supervision of the construction of treatment works.

(f) Notwithstanding any other provisions of this section, the Secretary may increase the amount of a grant made under subsection (b) of this section by an additional 10 per centum of the amount of such grant for any project which has been certified to him by an official State, metropolitan, or regional planning agency empowered under State or local laws or interstate compact to perform metropolitan or regional planning for a metropolitan area within which the assistance is to be used, or other agency or instrumentality designated for such purposes by the Governor (or Governors in the case of interstate planning) as being in conformity with the comprehensive plan developed or in process of development for such metropolitan area. For the purposes of this subsection, the term "metropolitan area" means either (1) a standard metropolitan statistical area as defined by the Bureau of the Budget, except as may be determined by the President as not being appropriate for the purposes hereof, or (2) any urban area, including those surrounding areas that form an economic and socially related region, taking into consideration such factors as present and future population trends and patterns of urban growth, location of transportation facilities and systems, and distribution of industrial, commercial, residential, governmental, institutional, and other activities, which in the opinion of the President lends itself as being appropriate for the purposes hereof.

(g) The Secretary shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on projects for which grants are made under this section shall be paid wages at rates not less than those prevailing for the same type of work on similar construction in the immediate locality, as determined by the Secretary of Labor, in accordance with the Act of March 3, 1931, as amended, known as the Davis-Bacon Act (46 Stat. 1494; 40 U.S.C., secs. 276a through 276a–5). The Secretary of Labor shall have, with respect to the labor standards specified in this subsection, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 133z–15) and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276c).

WATER POLLUTION CONTROL ADVISORY BOARD

SEC. 9. (a)(1) There is hereby established in the Department of the Interior a Water Pollution Control Advisory Board, composed of the Secretary or his designee, who shall be chairman and nine members appointed by the President, none of whom shall be Federal officers or employees. The appointed members, having due regard for the purposes of this Act, shall be selected from among representatives of various State, interstate, and local governmental agencies, of public or private interests contributing to, affected by, or concerned with water pollution, and of other public and private agencies, organizations, or groups demonstrating an active interest in the field of water pollution prevention and control, as well as other individuals who are expert in this field.

(2) (A) Each member appointed by the President shall hold office for a term of three years, except that (i) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (ii) the terms of office of the members first taking office after June 30, 1956, shall expire as follows: three at the end of one year after such date, three at the end of two years after such date, and three at the end of three years after such date, as designated by the President at the time of appointment, and (iii) the term of any member under the preceding provisions shall be extended until the date on which his successor's appointment is effective. None of the members appointed by the President shall be eligible for reappointment within one year after the end of his preceding term but terms commencing prior to the enactment of the Water Pollution Control Act Amendments of 1956 shall not be deemed "preceding terms" for purposes of this sentence.

(B) The members of the Board who are not officers or employees of the United States, while attending conferences or meetings of the Board or while otherwise serving at the request of the Secretary, shall be entitled to receive compensation at a rate to be fixed by the Secretary, but not exceeding $50 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

(b) The Board shall advise, consult with, and make recommendations to the Secretary on matters of policy relating to the activities and functions of the Secretary under this Act.

(c) Such clerical and technical assistance as may be necessary to discharge the duties of the Board shall be provided from the personnel of the Department of the Interior.

ENFORCEMENT MEASURES AGAINST POLLUTION OF INTERSTATE OR NAVIGABLE WATERS

SEC. 10. (a) The pollution of interstate or navigable waters in or adjacent to any State or States (whether the matter causing or contributing to such pollution is discharged directly into such waters or reaches such waters after discharge into a tributary of such waters), which endangers the health or welfare of any persons, shall be subject to abatement as provided in this Act.

(b) Consistent with the policy declaration of this Act, State and interstate action to abate pollution of interstate or navigable waters shall be encouraged and shall not, except as otherwise provided by or pursuant to court order under subsection (h), be displaced by Federal enforcement action.

(c)(1) If the Governor of a State or a State water pollution control agency files, within one year after the date of enactment of this subsection, a letter of intent that such State, after public hearings, will before June 30, 1967, adopt (A) water quality criteria applicable to interstate waters or portions thereof within such State, and (B) a plan for the implementation and enforcement of the water quality criteria adopted, and if such criteria and plan are established in accordance with the letter of intent, and if the Secretary determines that such State criteria and plan are consistent with paragraph (3) of this subsection, such State criteria and plan shall thereafter be the water quality standards applicable to such interstate waters or portions thereof.

(2) If a State does not (A) file a letter of intent or (B) establish water quality standards in accordance with paragraph (1) of this subsection, or if the Secretary or the Governor of any State affected by water quality standards established pursuant to this subsection desires a revision in such standards, the Secretary may, after reasonable notice and a conference of representatives of appropriate Federal departments and agencies, interstate agencies, States, municipalities and industries involved, prepare regulations setting forth standards of water quality to be applicable to interstate waters or portions thereof. If, within six months from the date the Secretary publishes such regulations, the State has not adopted water quality standards found by the Secretary to be consistent with paragraph (3) of this subsection, or a petition for public hearing has not been filed under paragraph (4) of this subsection, the Secretary shall promulgate such standards.

(3) Standards of quality established pursuant to this subsection shall be such as to protect the public health or welfare, enhance the quality of water and serve the purposes of this Act. In establishing such standards the Secretary, the Hearing Board, or the appropriate State authority shall take into consideration their use and value for

public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, *navigation* and other legitimate uses.

(4) If at any time prior to 30 days after standards have been promulgated under paragraph (2) of this subsection, the Governor of any State affected by such standards petitions the Secretary for a hearing, the Secretary shall call a public hearing, to be held in or near one or more of the places where the water quality standards will take effect, before a Hearing Board of five or more persons appointed by the Secretary. Each State which would be affected by such standards shall be given an opportunity to select one member of the Hearing Board. The Department of Commerce and other affected Federal departments and agencies shall each be given an opportunity to select a member of the Hearing Board and not less than a majority of the Hearing Board shall be persons other than officers or employees of the Department of the Interior. The members of the Board who are not officers or employees of the United States, while participating in the hearing conducted by such Hearing Board or otherwise engaged on the work of such Hearing Board, shall be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding $100 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b–2) for persons in the Government service employed intermittently. Notice of such hearing shall be published in the Federal Register and given to the State water pollution control agencies, interstate agencies and municipalities involved at least 30 days prior to the date of such hearing. On the basis of the evidence presented at such hearing, the Hearing Board shall make findings as to whether the standards published or promulgated by the Secretary should be approved or modified and transmit its findings to the Secretary. If the Hearing Board approves the standards as published or promulgated by the Secretary, the standards shall take effect on receipt by the Secretary of the Hearing Board's recommendations. If the Hearing Board recommends modifications in the standards as published or promulgated by the Secretary, the Secretary shall promulgate revised regulations setting forth standards of water quality in accordance with the Hearing Board's recommendations which will become effective immediately upon promulgation.

(5) The discharge of matter into such interstate waters or portions thereof, which reduces the quality of such waters below the water quality standards established under this subsection (whether the matter causing or contributing to such reduction is discharged directly into such waters or reaches such waters after discharge into tributaries of such waters), is subject to abatement in accordance with the provisions of paragraph (1) or (2) of subsection (g) of this section, except that at least 180 days before any abatement action is initiated under either paragraph (1) or (2) of subsection (g) as authorized by this subsection, the Secretary shall notify the violators and other interested parties of the violation of such standards. In any suit brought under the provisions of this subsection the court shall receive in evidence a transcript of the proceedings of the conference and hearing provided

for in this subsection, together with the recommendations of the conference and Hearing Board and the recommendations and standards promulgated by the Secretary, and such additional evidence, including that relating to the alleged violation of the standards, as it deems necessary to a complete review of the standards and to a determination of all other issues relating to the alleged violation. The court, giving due consideration to the practicability and to the physical and economic feasibility of complying with such standards, shall have jurisdiction to enter such judgment and orders enforcing such judgement as the public interest and the equities of the case may require.

(6) Nothing in this subsection shall (A) prevent the application of this section to any case to which subsection (a) of this section would otherwise be applicable, or (B) extend Federal jurisdiction over water not otherwise authorized by this Act.

(7) In connection with any hearings under this section no witness or any other person shall be required to divulge trade secrets or secret processes.

(d)(1) Whenever requested by the Governor of any State or a State water pollution control agency, or (with the concurrence of the Governor and of the State water pollution control agency for the State in which the municipality is situated) the governing body of any municipality, the Secretary shall, if such request refers to pollution of waters which is endangering the health or welfare of persons in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originates, give formal notification thereof to the water pollution control agency and interstate agency, if any, of the State or States where such discharge or discharges originate and shall call promptly a conference of such agency or agencies and of the State water pollution control agency and interstate agency, if any, of the State or States, if any, which may be adversely affected by such pollution. Whenever requested by the Governor of any State, the Secretary shall, if such request refers to pollution of interstate or navigable waters which is endangering the health or welfare of persons only in the requesting State in which the discharge or discharges (causing or contributing to such pollution) originate, give formal notification thereof to the water pollution control agency and interstate agency, if any, of such State and shall promptly call a conference of such agency or agencies, unless, in the judgment of the Secretary, the effect of such pollution on the legitimate uses of the waters is not of sufficient significance to warrant exercise of Federal jurisdiction under this section. The Secretary shall also call such a conference whenever, on the basis of reports, surveys, or studies, he has reason to believe that any pollution referred to in subsection (a) and endangering the health or welfare of persons in a State other than that in which the discharge or discharges originate is occurring; or he finds that substantial economic injury results from the inability to market shellfish or shellfish products in interstate commerce because of pollution referred to in subsection (a) and action of Federal, State, or local authorities.

(2) Whenever the Secretary, upon receipt of reports, surveys, or studies from any duly constituted international agency, has reason to believe that any pollution referred to in subsection (a) of this section which endangers the health or welfare of persons in a foreign country is occurring, and the Secretary of State requests him to abate such pollution, he shall give formal notification thereof to the State

water pollution control agency of the State in which such discharge or discharges originate and to the interstate water pollution control agency, if any, and shall call promptly a conference of such agency or agencies, if he believes that such pollution is occurring in sufficient quantity to warrant such action. The Secretary, through the Secretary of State, shall invite the foreign country which may be adversely affected by the pollution to attend and participate in the conference, and the representative of such country shall, for the purpose of the conference and any further proceeding resulting from such conference, have all the rights of a State water pollution control agency. This paragraph shall apply only to foreign country which the Secretary determines has given the United States essentially the same rights with respect to the prevention and control of water pollution occurring in that country as is given that country by this paragraph. Nothing in this paragraph shall be construed to modify, amend, repeal, or otherwise affect the provisions of the 1909 Boundary Waters Treaty between Canada and the United States or the Water Utilization Treaty of 1944 between Mexico and the United States (59 Stat. 1219), relative to the control and abatement of water pollution in waters covered by those treaties.

(3) The agencies called to attend such conference may bring such persons as they desire to the conference. In addition, it shall be the responsibility of the chairman of the conference to give every person contributing to the alleged pollution or affected by it an opportunity to make a full statement of his views to the conference. Not less than three weeks' prior notice of the conference date shall be given to such agencies.

(4) Following this conference, the Secretary shall prepare and forward to all the water pollution control agencies attending the conference a summary of conference discussions including (A) occurrence of pollution of interstate or navigable waters subject to abatement under this Act; (B) adequacy of measures taken toward abatement of the pollution; and (C) nature of delays, if any, being encountered in abating the pollution.

(e) If the Secretary believes, upon the conclusion of the conference or thereafter, that effective progress toward abatement of such pollution is not being made and that the health or welfare of any persons is being endangered, he shall recommend to the appropriate State water pollution control agency that it take necessary remedial action. The Secretary shall allow at least six months from the date he makes such recommendations for the taking of such recommended action.

(f)(1) If, at the conclusion of the period so allowed, such remedial action has not been taken or action which in the judgment of the Secretary is reasonably calculated to secure abatement of such pollution has not been taken, the Secretary shall call a public hearing, to be held in or near one or more of the places where the discharge or discharges causing or contributing to such pollution originated, before a Hearing Board of five or more persons appointed by the Secretary. Each State in which any discharge causing or contributing to such pollution originates and each State claiming to be adversely affected by such pollution shall be given an opportunity to select one member of the Hearing Board and at least one member shall be a representative of the Department of Commerce, and not less than a majority of the

Hearing Board shall be persons other than officers or employees of the Department of the Interior. At least three weeks' prior notice of such hearing shall be given to the State water pollution control agencies and interstate agencies, if any, called to attend the aforesaid hearing and the alleged polluter or polluters. It shall be the responsibility of the Hearing Board to give every person contributing to the alleged pollution or affected by it an opportunity to make a full statement of his views to the Hearing Board. On the basis of the evidence presented at such hearing, the Hearing Board shall make findings as to whether pollution referred to in subsection (a) is occurring and whether effective progress toward abatement thereof is being made. If the Hearing Board finds such pollution is occurring and effective progress toward abatement thereof is not being made it shall make recommendations to the Secretary concerning the measures, if any, which it finds to be reasonable and equitable to secure abatement of such pollution. The Secretary shall send such findings and recommendations to the person or persons discharging any matter causing or contributing to such pollution, together with a notice specifying a reasonable time (not less than six months) to secure abatement of such pollution, and shall also send such findings and recommendations and such notice to the State water pollution control agency and to the interstate agency, if any, of the State or States where such discharge or discharges originate.

(2) In connection with any hearing called under this section the Secretary is authorized to require any person whose alleged activities result in discharges causing or contributing to water pollution to file with him, in such form as he may prescribe, a report based on existing data, furnishing such information as may reasonably be required as to the character, kind, and quantity of such discharges and the use of facilities or other means to prevent or reduce such discharges by the person filing such a report. Such report shall be made under oath or otherwise, as the Secretary may prescribe, and shall be filed with the Secretary within such reasonable period as the Secretary may prescribe, unless additional time be granted by the Secretary. No person shall be required in such report to divulge trade secrets or secret processes, and all information reported shall be considered confidential for the purposes of section 1905 of title 18 of the United States Code.

(3) If any person required to file any report under paragraph (2) of this subsection shall fail to do so within the time fixed by the Secretary for filing the same, and such failure shall continue for thirty days after notice of such default, such person shall forfeit to the United States the sum of $100 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States brought in the district where such person has his principal office or in any district in which he does business. The Secretary may upon application therefor remit or mitigate any forfeiture provided for under this paragraph and he shall have authority to determine the facts upon all such applications.

(4) It shall be the duty of the various United States attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of such forfeitures.

(g) If action reasonably calculated to secure abatement of the pollution within the time specified in the notice following the public hearing is not taken, the Secretary—

(1) in the case of pollution of waters which is endangering the health or welfare of persons in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originate, may request the Attorney General to bring a suit on behalf of the United States to secure abatement of pollution, and

(2) in the case of pollution of waters which is endangering the health or welfare of persons only in the State in which the discharge or discharges (causing or contributing to such pollution) originate, may with the written consent of the Governor of such State, request the Attorney General to bring a suit on behalf of the United States to secure abatement of the pollution.

(h) The court shall receive in evidence in any such suit a transcript of the proceedings before the Board and a copy of the Board's recommendations and shall receive such further evidence as the court in its discretion deems proper. The court, giving due consideration to the practicability and to the physical and economic feasibility of securing abatement of any pollution proved, shall have jurisdiction to enter such judgment, and orders enforcing such judgment, as the public interest and the equities of the case may require.

(i) Members of any Hearing Board appointed pursuant to sub-section (f) who are not regular full-time officers or employees of the United States shall, while participating in the hearing conducted by such Board or otherwise engaged on the work of such Board, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding $100 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

(j) As used in this section the term—

(1) "person" includes an individual, corporation, partnership, association, State, municipality, and political subdivision of a State, and

(2) "municipality" means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law.

(k)(1) At the request of a majority of the conferees in any conference called under this section the Secretary is authorized to request any person whose alleged activities result in discharges causing or contributing to water pollution, to file with him a report (in such form as may be prescribed in regulations promulgated by him) based on existing data, furnishing such information as may reasonably be requested as to the character, kind, and quantity of such discharges and the use of facilities or other means to prevent or reduce such discharges by the person filing such a report. No person shall be required in such report to divulge trade secrets or secret processes, and all information reported shall be considered confidential for the purposes of section 1905 of title 18 of the United States Code.

(2) If any person required to file any report under this subsection shall fail to do so within the time fixed by regulations for filing the

same, and such failure shall continue for thirty days after notice of such default, such person may, by order of a majority of the conferees, be subject to a forfeiture of $100 for each and every day of the continuance of such failure which forfeiture shall be payable into the Treasury of the United States and shall be recoverable in a civil suit in the name of the United States brought in the district where such person has his principal office or in any district in which he does business. The Secretary may upon application therefor remit or mitigate any forfeiture provided for under this subsection and he shall have authority to determine the facts upon all such applications.

(3) It shall be the duty of the various United States attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of such forfeitures.

CONTROL OF SEWAGE FROM VESSELS

SEC. 11. (a) For the purpose of this section, the term—

(1) "new vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which is initiated after promulgation of standards and regulations under this section;

(2) "existing vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which has been initiated before promulgation of standards and regulations under this section;

(3) "public vessel" means a vessel owned or bareboat chartered and operated by the United States, by a State or political subdivision thereof, or by a foreign nation, except in any case in which such vessel is engaged in commerce;

(4) "United States" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Canal Zone, and the Trust Territory of the Pacific Islands;

(5) "marine sanitation device" means any equipment for installation on board a vessel which is designed to receive, retain, treat, or discharge sewage;

(6) "sewage" means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

(7) "manufacturer" means any person engaged in the manufacturing, assembling, or importation of marine sanitation devices or of vessels having installed on board such devices; and

(8) "person" means an individual, partnership, firm, corporation, or association, but does not include an individual on board a public vessel.

(b)(1) Not later than two years after the enactment of this section, the Secretary, after consultation with the Secretary of the Department in which the Coast Guard is operating, after giving appropriate consideration to the economic costs involved and within the limits of available technology, shall promulgate Federal standards of performance for marine sanitation devices (hereinafter referred to as "standards") which shall be designed to prevent the discharge of untreated or inadequately treated sewage into

or upon the navigable waters of the United States from new vessels and existing vessels, except vessels not equipped with installed toilet facilities. Such standards shall be consistent with maritime safety and the marine and navigation laws and regulations and shall be coordinated with the regulations issued under this subsection by the Secretary of the department in which the Coast Guard is operating. The Secretary of the department in which the Coast Guard is operating shall promulgate regulations, which are consistent with the standards issued under this subsection and with maritime safety and the marine and navigation laws and regulations, governing the design, construction, installation, and operation of any marine sanitation device on board such vessels.

(2) Any existing vessel equipped with a device or devices installed pursuant to the requirements of State statute, regulation, or recommended levels of control set forth in the Handbook on Sanitation and Vessel Construction (Public Health Service, 1965) prior to the promulgation of the initial standards and regulations required by this section shall be deemed in compliance with this section until such time as the device or devices are replaced or are found not to be in compliance with such State statute, regulation, or recommended level.

(c)(1) Initial standards and regulations under this section shall become effective for new vessels two years after promulgation; and for existing vessels five years after promulgation. Revisions of standards and regulations shall be effective upon promulgation, unless another effective date is specified.

(2) The Secretary of the department in which the Coast Guard is operating with regard to the regulatory authority established by this section, may distinguish among classes, types, and sizes of vessels as well as between new and existing vessels, and may waive applicability of standards and regulations as necessary or appropriate for such classes, types, and sizes of vessels, and, upon application, for individual vessels.

(d) The provisions of this section and the standards and regulations promulgated thereunder shall apply to vessels owned and operated by the United States unless the Secretary of Defense finds that compliance would not be in the interest of national security.

(e) Before the standards and regulations under this section are promulgated, the Secretary and the Secretary of the department in which the Coast Guard is operating shall consult with the Secretary of State; the Secretary of Health, Education, and Welfare; the Secretary of Defense; the Secretary of Commerce; other interested Federal agencies; and the States and industries interested; and otherwise comply with the requirements of section 553 of title 5 of the United States Code.

(f) After the effective date of any standards and regulations established pursuant to this section, no State or political subdivision thereof shall adopt or enforce any statute or regulation with respect to the design, manufacture, installation, or use of any marine sanitation device in connection with any vessel subject to the provisions of this section, except that nothing in this subsection shall restrict the authority of a State to prohibit the discharge of sewage in any waters within a State where implementation of applicable water quality standards requires such prohibition.

(g)(1) No manufacturer of a marine sanitation device shall sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States for sale or resale any marine sanitation

device manufactured after the effective date of the standards and regulations promulgated under this section unless such device is in all material respects substantially the same as a test device certified under this subsection.

(2) Upon application of the manufacturer, the Secretary of the department in which the Coast Guard is operating shall so certify a marine sanitation device if he determines, in accordance with the provisions of this paragraph, that it meets the appropriate standards and regulations promulgated under this section. The Secretary of the department in which the Coast Guard is operating shall test or require such testing of the device in accordance with procedures set forth by the Secretary as to standards of performance and for such other purposes as may be appropriate. If the Secretary of the department in which the Coast Guard is operating determines that the device is satisfactory from the standpoint of the procedures set forth by the Secretary and any other requirements of maritime law or regulation, and after consideration of the design, installation, operation, material, or other appropriate factors, he shall certify the device. Any device manufactured by such manufacturer which is in all material respects substantially the same as the certified test device shall be deemed to be in conformity with the appropriate standards and regulations established under this section.

(3) Every manufacturer shall establish and maintain such records, make such reports, and provide such information as the Secretary or the Secretary of the department in which the Coast Guard is operating may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this section and regulations thereunder and shall, upon request of an officer or employee duly designated by the Secretary or the Secretary of the department in which the Coast Guard is operating, permit such officer or employee at reasonable times to have access to and copy such records. All information reported to, or otherwise obtained by, the Secretary or the Secretary of the department in which the Coast Guard is operating or their representatives pursuant to this subsection which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this section.

(h) After the effective date of standards and regulations promulgated under this section, it shall be unlawful—

(1) for the manufacturer of any vessel subject to such standards and regulations to manufacture for sale, to sell or offer for sale, or to distribute for sale or resale any such vessel unless it is equipped with a marine sanitation device which is in all material respects substantially the same as the appropriate test device certified pursuant to this section;

(2) for any person, prior to the sale or delivery of a vessel subject to such standards and regulations to the ultimate purchaser, wrongfully to remove or render inoperative any certified marine sanitation device or element of design of such device installed in such vessel;

(3) for any person to fail or refuse to permit access to or copying of records or to fail to make reports or provide information required under this section; and

(4) for a vessel subject to such standards and regulations to operate on the navigable waters of the United States, if such vessel is not equipped with an operable marine sanitation device certified pursuant to this section.

(i) The district courts of the United States shall have jurisdiction to restrain violators of subsection (h) of this section. Actions to restrain such violators shall be brought by, and in, the name of the United States. In any such action, subpenas for witnesses who are required to attend a district court in any district may run into any other district. In case of contumacy or refusal to obey a subpena served upon any person under this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(j) Any person who violates clause (1) or (2) of subsection (h) of this section shall be liable to a civil penalty of not more than $5,000 for each violation. Any person who violates clause (4) of subsection (h) of this section or any regulation issued pursuant to this section, shall be liable to a civil penalty of not more than $2,000 for each violation, Each violation shall be a separate offense. The Secretary of the department in which the Coast Guard is operating may assess and compromise any such penalty. No penalty shall be assessed until the person charged shall have been given notice and an opportunity or a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by said Secretary.

(k) The provisions of this section shall be enforced by the Secretary of the department in which the Coast Guard is operating and he may utilize by agreement, with or without reimbursement, law enforcement officers or other personnel and facilities of the Secretary, other Federal agencies, or the States to carry out the provisions of this section.

(l) Anyone authorized by the Secretary of the department in which the Coast Guard is operating to enforce the provisions of this section may, except as to public vessels, board and inspect any vessel upon the navigable waters of the United States, and execute any warrant or other process issued by an officer or court of competent jurisdiction.

(m) The several district courts of the United States are invested with jurisdiction for any actions arising under this section. In the case of Guam, such actions may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone, such actions may be brought in the District Court for the District of the Canal Zone.

CONTROL OF OIL DISCHARGES

SEC. 12. (a) For the purpose of this section, the term—

(1) "oil" means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil;

(2) "discharge" means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping;

(3) "vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, other than a public vessel;

(4) "public vessel" means a vessel owned or bareboat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation or political subdivision thereof, except in any case in which such vessel is engaged in commerce;

(5) "United States" includes the States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Canal Zone, and the Trust Territory of the Pacific Islands;

(6) "owner or operator" means, as the context requires, any person owning, operating, or chartering by demise, a vessel, or any person owning or operating an onshore or offshore facility or an onshore or offshore drilling-production facility;

(7) "person" includes an individual, firm, corporation, association, or a partnership;

(8) "remove" or "removal" includes removal of the oil from the water and shorelines and the taking of actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private shorelines;

(9) "contiguous zone" means the entire zone established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone;

(10) "onshore or offshore drilling-production facility" means any facility of any kind and related appurtenances, thereto located in, on, or under, the surface of any land, or permanently or temporarily affixed to any land, including lands beneath the navigable waters of the United States, which is used or capable of being used for the purpose of exploring for, drilling, or producing oil;

(11) "onshore or offshore facility" means any facility, other than an onshore or offshore drilling-production facility, of any kind and related appurtenances thereto located in, on, or under, the surface of any land, or permanently or temporarily affixed to any land, including lands beneath the navigable waters of the United States, which is used or capable of being used for the purpose of processing, transporting, or transferring oil, or for the purpose of storing oil for any commercial purpose, but does not include any facility, other than a marine facility, used or capable of being used to store five hundred barrels of oil or less; and

(12) "act of God" means an act occasioned exclusively by violence of nature without the interference of any human agency.

(b)(1) The discharge of oil into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone is prohibited, except (A) in the case of such discharges into the waters of the contiguous zone, where permitted under article IV

of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, and (B) where permitted in quantities and at times and locations or under such circumstances or conditions as the President may, by regulation, deem appropriate. Any regulations issued under this subsection shall be consistent with maritime safety and with marine and navigation laws and regulations and applicable water quality standards.

(2) Any vessel, onshore or offshore facility, or onshore or offshore drilling-production facility from which oil is knowingly discharged in violation of the provisions of paragraph (1) of this subsection shall be subject to an in rem civil penalty of not more than $2,500 for each offense. No penalty shall be assessed unless the owner or operator of the vessel or of the onshore or offshore facility has been given notice and an opportunity for a hearing with respect to such discharge. Any such penalty also may be compromised. In determining the amount of such penalty, or the amount agreed upon in compromise, the gravity and nature of the violation, the history of discharges by such vessel or facility, the giving of notice pursuant to subsection (c), and any action taken to minimize or mitigate damage, including removal of discharged oil in accordance with the provisions of this section and the regulations promulgated thereto, shall be taken into consideration.

(c) In order to facilitate the removal of oil and minimize or mitigate damage resulting from the discharge thereof, any person in charge of a vessel, an onshore or offshore facility, or an onshore or offshore drilling-production facility shall, as soon as he has knowledge of any discharge of oil from such vessel or facility in violation of subsection (b) of this section or the regulations promulgated thereunder, immediately notify the appropriate agency of the United States Government of such discharge. Any such person who fails to notify immediately such agency of such discharge shall, upon conviction, be fined not more than $5,000, or imprisoned for not more than one year, or both. Notification received pursuant to this subsection shall not be used by the United States Government to enforce the provisions of any other Federal law or to provide any information obtained from such notice to any State for the purpose of any criminal prosecution.

(d)(1) Within one hundred and eighty days after the effective date of this section, the President shall, consistent with maritime safety, marine and navigation laws, and applicable water quality standards, issue regulations (A) relative to the procedures, methods, and equipment for preventing discharges of oil, (B) establishing criteria relating to the procedures, methods, means, and equipment used in the removal of discharged oil, and (C) establishing criteria for the development and implementation of oil removal contingency plans. The regulations shall also provide procedures for the review and approval of such plans, where appropriate.

(2) Any owner or operator of a vessel, onshore or offshore facility, or onshore or offshore drilling-production facility who fails or refuses to comply with the provisions of any regulation issued under paragraph (1) of this subsection, shall be subject to an in rem civil penalty of not more than $1,000 for each such failure or refusal. No penalty shall be assessed until such owner or operator has been given notice and an opportunity for a hearing on such charge. Any such penalty also may be compromised. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity and nature of the violation, the history of previous violations, and the demonstrated good faith of the owner or operator charged in attempting to achieve rapid compliance, after notification of an offense, shall be taken into consideration.

(e) Whenever any oil is discharged in violation of subsection (b) of this section, unless removal is immediately undertaken by the owner or operator of the vessel, onshore or offshore facility, or onshore or offshore drilling-production facility from which the discharge occurs pursuant to the regulations promulgated under subsection (d) of this section, the President shall remove or arrange for the removal thereof. Nothing in this subsection shall be construed to restrict the authority of the President to act to remove or arrange for the removal of such oil at any time.

(f)(1) Except where an owner or operator can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act of a third party, such owner or operator of any vessel from which oil is discharged, or which causes the discharge of oil, into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (e) for the removal of such oil by the United States Government in an amount not to exceed $125 per gross ton of such vessel or $14 million, whichever is lesser, except that where such discharge was the result of negligence or a willful act, such owner or operator shall be liable to the United States Government for the full amount of such costs.

(2)(A) Each owner or operator of a vessel over three hundred gross tons, including any barge of equivalent size, using any port or place in the United States or the navigable waters of the United States, shall establish and maintain, under regulations prescribed by the designated Federal agency, evidence of financial responsibility of $100 per gross ton of the liability to which the vessel could be subjected under paragraph (1) of this subsection. Financial responsibility may be established and maintained by any one of, or a combination of, the following methods acceptable to the designated Federal agency: (i) evidence of insurance, (ii) surety bonds, (iii) qualification as self-insurer, or (iv) other evidence of financial responsibility satisfactory to the designated Federal agency.

(B) If a bond is filed with the designated Federal agency, then such bond shall be issued by a bonding company authorized to do business in the United States.

(C) Any claim for costs incurred by such vessel may be brought directly against the insurer or any other person providing evidence of financial responsibility as required under this subsection.

(g) Each owner or operator of a vessel subject to the provisions of this subsection shall designate a person in the United States as his legal agent for service of process under this section.

(h) The Secretary of the Treasury shall, upon request of the delegate of the President, withhold, at the port or place of departure from the United States, the clearance of a vessel, other than a public vessel, required by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C. 91), which (1) is liable to the United States Government for any costs or penalties under subsection (b) or (f) of this section until such costs or penalties are paid or until a bond or other satisfactory surety is posted, or (2) has failed to meet the requirements of subsection (f)(2) of this section.

(i)(1) Except where an owner or operator can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act of a third party,

the owner or operator of any onshore or offshore facility from which oil is discharged into or upon the navigable waters of the United States or adjoining shorelines shall be liable to the United States Government for the actual costs incurred for the removal of such oil by the United States Government in an amount not to exceed $125 per ton of oil which such facility is capable of (i) processing, (ii) transporting, (iii) transferring, in any twenty-four hour period, or (iv) storing in the largest unit of such facility, whichever is greater, except where the discharge was the result of negligence or a willful act, the owner or operator shall be liable to the United States Government for the full amount of such costs.

(2) Except where an owner or operator can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act of a third party, the owner or operator of an onshore or offshore drilling-production facility from which oil is discharged, or which causes the discharge of oil, into or upon the navigable waters of the United States or adjoining shorelines shall be liable to the United States Government for the actual costs incurred in the removal of such oil by the United States Government in an amount not to exceed $8,000,000 except, where the discharge was the result of negligence or a willful act, the owner or operator shall be liable to the United States Government for the full amount of such costs.

(j)(1) In any case where an owner or operator removes oil discharged from a vessel into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone or removes oil discharged into or upon the navigable waters of the United States or adjoining shorelines from an onshore or offshore facility or an onshore or offshore drilling-production facility, such owner or operator shall be entitled to recover the reasonable costs incurred in such removal upon establishing, in a suit which may be brought against the United States Government in the United States Court of Claims, that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States, or (D) an act of a third party.

(2) In any case where recovery of costs is obtained by an owner or operator pursuant to this subsection and the discharge involved was caused by an act of a third party, the United States Government shall be subrogated to any rights such owner or operator may have against such third party due to causing such discharge.

(3) The provisions of this subsection shall not apply in any case where liability is established pursuant to the Outer Continental Shelf Lands Act.

(4) Any amount paid in accordance with a judgment of the United States Court of Claims pursuant to this section shall be paid from the fund established pursuant to subsection (k).

(k)(1) The President is authorized to delegate the responsibility of administering the provisions of this section to one or more appropriate Federal agencies. Any moneys in the fund established by this subsection shall be available to such Federal agencies to carry out the provisions of subsections (e) and (j) of this section. Each such agency, in order to avoid duplication of effort, shall, whenever appropriate, utilize the personnel, services, and facilities of other Federal agencies.

(2) There is hereby authorized to be appropriated to a revolving fund to be established in the Treasury not to exceed $50,000,000. Any funds received by the United States Government under this section shall also be deposited in said fund for such purposes. All sums appropriated to, or deposited in, said fund shall remain available until expended.

(l) The liability established by this section shall in no way affect any rights which (1) the owner or operator of a vessel, an onshore or offshore facility, or an onshore or offshore drilling-production facility may have against any third party whose acts may in any way have caused or contributed to such discharge, or (2) the United States Government may have against any third party whose actions may in any way have caused or contributed to the discharge of oil.

(m) Anyone authorized by the President to enforce the provisions of this section may (1) board and inspect any vessel upon the navigable waters of the United States, (2) with or without a warrant arrest any person who violates the provisions of this section or any regulation issued thereunder in his presence or view, and (3) execute any warrant or other process issued by an officer or court of competent jurisdiction.

(n)(1) Where as determined by the President there is an imminent and substantial threat to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife and public and private shorelines within the United States, because of an actual or threatened discharge of oil into or upon the navigable waters of the United States from a vessel, the delegate of the President shall have the right to take immediate possession of such vessel so far as to remove it or take such other action as may be appropriate to eliminate or mitigate such threat, and to prevent any unnecessary injury, and no one shall interfere with or prevent such removal or other action, except that the head of the agency charged with removal or other action under this subsection may, in his discretion, give notice in writing to the owner or operator of any such vessel requiring them to act. Any expense incurred under this subsection shall be a cost incurred by the United States Government for the purposes of subsection (f) in the removal of oil.

(2) In addition to any other action taken by a State or local government, when the President determines there is an imminent and substantial threat to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife and public and private shorelines within the United States, because of an actual or threatened discharge of oil into or upon the navigable waters of the United States from an onshore or offshore drilling-production facility or an onshore or offshore facility, the President may require the United States attorney of the district in which the threat occurs to secure such relief as may be necessary to abate such threat.

(o) The several district courts of the United States are invested with jurisdiction for any actions, other than actions pursuant to subsection (j)(1), arising under this section. In the case of Guam, such actions may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone, such actions may be brought in the United States District Court for the District of the Canal Zone.

(p) Nothing in this section shall be construed as affecting or modifying any other existing authority of any Federal agency relative to onshore or offshore facilities, or onshore or offshore drilling-production facilities under this Act or any other provision of law or to affect or modify any State or local law not in conflict with the provisions of this section.

(q) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel, onshore or offshore facility to any person or agency under any provision of law for damages to any publicly- or privately-owned property resulting from a discharge of any oil or from the removal of any such oil.

CONTROL OF HAZARDOUS POLLUTING SUBSTANCES

"SEC. 13. (a) The President shall, in accordance with the procedures set forth in this section, develop, promulgate, and revise as may be appropriate regulations (1) designating as hazardous substances, other than oil as defined in section 12 of this Act, such elements and compounds which, when discharged in any quantity into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone, present an imminent and substantial danger to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, shorelines, and beaches; and (2) establishing, if appropriate, criteria for the removal of such substances, including criteria relative to the methods and means of removal.

"(b) In the development of such regulations, the President or his delegate shall consult with other interested Federal agencies, representatives of State agencies, and other interested persons and organizations. Consideration shall be given to the latest available scientific data in the field, the technical feasibility of the regulations, and experience gained under this Act.

"(c) The President shall from time to time publish any such proposed regulations in the Federal Register and shall afford interested persons a period of not less than thirty days after publication to submit written data or comments. Except as provided in subsection (d) of this section, the President may, upon the expiration of such period and after consideration of all relevant matter presented, promulgate such regulations with such modifications as he may deem appropriate.

(d) On or before the last day of any period fixed for the submission of written data or comments under subsection (c), any interested person may file with the President written objections to a proposed regulation, stating the grounds therefor and requesting a public hearing. As soon as practicable after the period for filing such objections has expired, the President shall publish in the Federal Register a notice specifying the proposed regulations to which objections have been filed and a hearing requested, and shall promptly hold a public hearing for the purpose of receiving relevant evidence. After completion of the hearing, the President shall make findings of fact on such objections, and the President may promulgate the regulations with such modifications as he deems appropriate, or take such other action as he deems appropriate. All such findings shall be made public.

(e) Any aggrieved person may, within sixty days after promulgation in the Federal Register of any regulation for which a hearing was held under subsection (d), file with the United States Court of Appeals for the District of Columbia a petition praying that such regulation be modified or set aside in whole or in part. A copy of the petition shall forthwith be sent by registered or certified mail to the President, and thereupon the President shall certify and file in such court the record upon which the President

made his decision, as provided in section 2112, title 28, United States Code. The court shall hear such appeal on the record made before the President. The findings of the President, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may affirm, vacate, or remand the proceedings to the President for such further action as it directs. The review provided by this subsection shall be the exclusive review available to such person of any such regulation and such regulation shall not be the subject of any review during any procedure leading to the enforcement of such regulation. The filing of a petition under this subsection shall not stay the application of the regulation complained of, unless the court so orders, upon finding that there is a substantial likelihood that the President's findings are erroneous, and that irreparable injury will result without such a stay.

(f) Any regulation promulgated under this section shall be effective upon publication in the Federal Register unless the President specifies a later date.

(g) In order to facilitate the removal, if appropriate, of any hazardous substance any person in charge of a vessel or of an onshore or offshore facility of any kind shall, as soon as he has knowledge of any discharge of such substance from such vessel or facility, immediately notify the appropriate agency of the United States of such discharge. Any such person who knowingly fails to notify immediately such agency of such discharge shall, upon conviction, be fined not more than $5,000, or imprisoned for not more than one year or both. Notification received pursuant to this subsection shall not be used by the United States Government to enforce the provisions of any other Federal law or to provide any information obtained from such notice to any State for the purpose of any criminal prosecution.

(h) Whenever any hazardous substance is discharged into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone, unless removal is immediately undertaken by the owner or operator of the vessel or onshore or offshore facility from which the discharge occurs or which caused the discharge, pursuant to the regulations promulgated under this section, the President if appropriate, shall remove or arrange for the removal thereof in accordance with such regulations. Nothing in this subsection shall be construed to restrict the authority of the President to act to remove or arrange for he removal of such hazardous substance at any time.

(i) Any owner or operator of a vessel or onshore or offshore facility who fails or refuses to comply with the provisions of any regulations promulgated under this section shall be subject to an in rem civil penalty of not more than $5,000 for each such failure or refusal. No penalty shall be assessed until such owner or operator has been given notice and an opportunity for a hearing on such charge. Any such penalty also may be compromised. In determining the amount of the penalty, or amount agreed upon in compromise, the gravity and nature of the violation, the demonstrated good faith of the owner or operator charged in attempting to achieve rapid compliance after notification of a violation, and the history of previous violations shall be considered.

(j) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel, onshore or offshore facility to any person or agency under any provision of law for damages

to any publicly or privately-owned property resulting from a discharge of any hazardous substance or from the removal of any such substance.

(k) Anyone authorized by the President to enforce the provisions of this section may (1) board and inspect any vessel upon the navigable waters of the United States, (2) with or without a warrant arrest any person who violates the provisions of this section or any regulation issued thereunder in his presence or view, and (3) execute any warrant or other process issued by an officer or court of competent jurisdiction.

(l) The several district courts of the United States are invested with jurisdiction for any actions arising under this section. In the case of Guam, such actions may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone such actions may be brought in the United States District Court for the District of the Canal Zone.

(m) (1) For the purpose of this section the definitions in subsection (a) of section 12 of this Act shall be applicable to the provisions of this section, except as provided in paragraph (2) of this subsection;

(A) "remove" or "removal" includes removal of the hazardous substances from the water and shorelines and the taking of actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private shorelines;

(B) "owner or operator" means, as the context requires, any person owning, operating, chartering by demise, or otherwise controlling the operations of, a vessel, or any person owning, operating, or otherwise controlling the operations of an onshore or offshore facility; and

(C) "offshore or onshore facility" means any facility of any kind and related appurtenances thereto which is located in, on, or under the surface of any land, or permanently or temporarily affixed to any land, including lands beneath the navigable waters of the United States and which is used or capable of use for the purpose of processing, transporting, producing, storing, or transferring for commercial purposes any hazardous substance designated under this section.

(n) The President shall submit a report to the Congress, together with his recommendations, not later than November 1, 1970, on the need for, and desirability of, enacting legislation to impose liability for the cost of removal of hazardous substances discharged from vessels and onshore and offshore facilities subject to this section. In preparing this report, the President shall conduct an accelerated study which shall include, but not be limited to, the method and measures for controlling hazardous substances to prevent their discharge, the most appropriate measures for enforcement and recovery of costs incurred by the United States if removal is undertaken by the United States, and methods of imposing civil or criminal sanctions where removal is impossible or impractical. In carrying out this study, the President shall consult with, the interested representatives of the various public and private interest groups that would be affected by such legislation as well as other interested persons.

(o) The President is authorized to delegate the responsibility of administering the provisions of this section to one or more appropriate Federal agencies. Any moneys in the fund established by section 12 of this Act shall be available to such Federal agencies to carry out the purposes of this section. Each such agency, in order to avoid duplication of effort, shall, whenever appropriate, utilize the personnel, services, and facilities of other Federal agencies.

AREA ACID AND OTHER MINE WATER POLLUTION

CONTROL DEMONSTRATIONS

SEC. 14. (a) The Secretary in cooperation with other Federal agencies is authorized to enter into agreements with any State or interstate agency to carry out one or more projects to demonstrate methods for the elimination or control, within all or part of a watershed, of acid or other mine water pollution resulting from active or abandoned mines. Such projects shall demonstrate the engineering and economic feasibility and practicality of various abatement techniques which will contribute substantially to effective and practical methods of acid or other mine water pollution elimination or control.

(b) The Secretary, in selecting watersheds for the purposes of this section, shall (1) require such feasibility studies as he deems appropriate, (2) give preference to areas which have the greatest present or potential value for public use for recreation, fish and wildlife, water supply, and other public uses, and (3) be satisfied that the project area will not be affected adversely by the influx of acid or other mine water pollution from nearby sources.

(c) Federal participation in such projects shall be subject to the conditions—

(1) that the State or interstate agency shall pay not less than 25 per centum of the actual project costs which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, or personal property, or services, the value of which shall be determined by the Secretary; and

(2) that the State or interstate agency shall provide legal and practical protection to the project area to insure against any activities which will cause future acid or other mine water pollution.

(d) There is authorized to be appropriated $15,000,000 to carry out the provisions of this section, which sum shall be available until expended. No more than 25 per centum of the total funds available under this section in any one year shall be granted to any one State.

POLLUTION CONTROL IN GREAT LAKES

SEC. 15. (a) The Secretary, in cooperation with other Federal agencies, is authorized to enter into agreements with any State, political subdivision, interstate agency, or other public agency, or combination thereof, to carry out one or more projects to demonstrate new methods and techniques and to develop preliminary plans for the elimination or control of pollution, within all or any part of the watersheds of the Great Lakes. Such projects shall demonstrate the engineering and economic feasibility and practicality of removal of pollutants and prevention of any polluting matter from entering into the Great Lakes in the future and other abatement and

remedial techniques which will contribute substantially to effective and practical methods of water pollution elimination or control.

(b) Federal participation in such projects shall be subject to the condition that the State, political subdivision, interstate agency, or other public agency, or combination thereof, shall pay not less than 25 per centum of the actual project costs which payment may be in any form, including, but not limited to, land or interests therein, that is needed for the project, personal property or services, the value of which shall be determined by the Secretary.

(c) There is authorized to be appropriated $20,000,000 to carry out the provisions of this section, which sum shall be available until expended.

[COOPERATION TO CONTROL POLLUTION FROM FEDERAL INSTALLATIONS

[SEC. 11. It is hereby declared to be the intent of the Congress that any Federal department or agency having jurisdiction over any building, installation, or other property shall, insofar as practicable and consistent with the interests of the United States and within any available appropriations, cooperate with the Department of the Interior, and with any State or interstate agency or municipality having jurisdiction over waters into which any matter is discharged from such property, in preventing or controlling the pollution of such waters. In his summary of any conference pursuant to section 10(d)(3) of this Act, the Secretary shall include references to any discharges allegedly contributing to pollution from any Federal property. Notice of any hearing pursuant to section 10(f) involving any pollution alleged to be effected by any such discharges shall also be given to the Federal agency having jurisdiction over the property involved and the findings and recommendations of the Hearing Board conducting such hearing shall also include references to any such discharges which are contributing to the pollution found by such Hearing Board.]

COOPERATION BY ALL FEDERAL AGENCIES IN THE CONTROL OF POLLUTION

SEC. 16. (a)(1) Each Federal agency having jurisdiction over any real property, facility or activity of any kind, shall consistent with an approved plan for implementation, insure compliance with applicable water quality standards and the purposes of this Act in the administration of such property, facility, or activity. In his summary of any conference pursuant to section 10(d)(4) of this Act, the Secretary shall include references to any discharges allegedly contributing to pollution from any such Federal property, facility, or activity, and shall transmit a copy of such summary to the head of the Federal agency having jurisdiction of such property, facility, or activity. Notice of any hearing pursuant to section 10(f) of this Act involving any pollution alleged to be effected by any such discharges shall also be given to the Federal agency having jurisdiction over the property, facility, or activity involved, and the findings and recommendations of the hearing board conducting such hearing shall include references to any such discharges which are contributing to the pollution found by such board.

(2) There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

(b) Each Federal agency which leases any Federal property or facility of any kind or which contracts for the operation of any Federal property or facility or which contracts for the entire operation of any other facility, shall insure compliance with applicable water quality standards and the purposes of this Act in the administration of such lease or contract. Any certification obtained for a Federal license or permit pursuant to subsection (c) shall be evidence of compliance with water quality standards for the purposes of this subsection.

(c)(1) Any applicant for a Federal license or permit to construct or operate any facility or to conduct any activity which may result in any discharge into the navigable waters of the United States shall provide certification from the State in which the discharge originates or, if appropriate, the interstate water pollution control agency to the licensing or permitting agency and notice thereof to the Secretary that there is reasonable assurance that such facility or activity will comply with applicable water quality standards, except that in any case where standards for interstate water have not been approved or where such standards have been promulgated by the Secretary pursuant to section 10(c) of this Act, such certification shall be obtained from the Secretary. Such State or if appropriate interstate agency or the Secretary shall, within one year of receipt of any application for such certification, notify the applicant of such certification or of intent not to certify. Whenever such discharge may affect, as determined by the Secretary, the applicable water quality standards of any other State or States, the Secretary, within sixty days of the date of notice of application for a Federal license or permit shall notify such other State or States. If, within thrity days after receipt of such notification, such other State or States determine that such discharge will adversely affect their water quality standards, the Secretary, within thirty days after the State or States make such determination, shall review such determination and, if he finds that such discharge will adversely affect the water quality standards of such State or States, shall require before such license or permit is issued such conditions as may be necessary to insure compliance with applicable water quality standards. No license or permit shall be granted without such certification and such conditions as the State or, as appropriate, the interstate agency or, as appropriate, the Secretary may reasonably require, including, but not limited to, provision for suspension or termination of any issued license or permit for failure to be in compliance with applicable water quality standards. In any case where such conditions required by the Secretary are more stringent than, or in conflict with conditions required by the certifying State or, if appropriate, interstate agency, the licensing or permitting agency, upon request of the applicant for a license or permit, shall hold a hearing and make findings of fact on the conditions to be included in any license or permit, except that no such findings shall be adopted that are less stringent than the conditions required by the certifying State. The licensee or permittee shall provide the certifying State or, if appropriate, the interstate agency, or the Secretary, with notification of any changes in the proposed facility or activity which may affect applicable water quality standards.

"(2) The certification obtained pursuant to paragraph (1) of this subsection shall fulfill the requirements of this subsection with respect to any other Federal license or permit required for such facility or activity, unless, after notice of application for such other Federal license or permit has been

given by such Federal agency, the State or, if appropriate, the interstate agency or the Secretary, notifies within sixty days after receipt of such notice such Federal agency of a change since providing such certification in (A) the nature of the activity, (B) the design of the facility, (C) the natural characteristics of the waters into which such discharge is made, or (D) the water quality standards applicable to such waters, and that, due to such change, there is no longer reasonable assurance that there will be compliance with applicable water quality standards.

"(3) Prior to the operation of any federally licensed or permitted facility or activity, not subject to a Federal operating license or permit, the licensee or permittee shall provide an opportunity for such certifying State and, if appropriate, the interstate agency or the Secretary to review the manner in which the facility or activity shall be operated or conducted for the purposes of assuring compliance with applicable water quality standards. Upon notification by the certifying State, or if appropriate, the interstate agency or the Secretary that the operation of any federally licensed or permitted facility or activity will not comply with applicable water quality standards, such Federal agency shall suspend such license or permit until notification is received that there is reasonable assurance that such facility or activity will comply with applicable water quality standards.

(4) Upon notification by the Governor of the certifying State, or, as appropriate, the interstate agency or the Secretary, that any such federally licensed or permitted facility or activity has been found by a court of competent jurisdiction, pursuant to applicable State or Federal law, to be in violation of the applicable water quality standards such license or permit may be suspended or terminated as the circumstances require.

(5) No Federal agency shall be deemed to be an applicant for the purposes of this subsection.

(6) In any case where actual construction of a facility for the conduct of any activity has been commenced pursuant to a Federal license or permit prior to the date of enactment of the Water Quality Improvement Act of 1969, no certification under this subsection shall be required for any Federal operating license or permit respecting that activity issued within two years following such date: Provided, That any operating license or permit issued during the two-year period following such date of enactment without such certification shall terminate at the end of that period unless prior to such date the licensee or permittee submits to the Federal agency that issued such license or permit a certification which otherwise meets the requirements of paragraph (1) of this subsection.

(7) Except as provided in paragraph (6), any application for a license or permit that is (a) pending on the date of enactment of the Water Quality Improvement Act of 1969 and (b) that is issued within one year following the date of enactment shall not require certification pursuant to this subsection for one year following the issuance of such license or permit: Provided, That any such license or permit issued shall terminate at the end of one year unless prior to that time the licensee or permittee submits to the Federal agency that issued such license or permit a certification which otherwise meets the requirements of this subsection.

(8) (A) In the case of any activity which will affect water quality but for which there are no applicable water quality standards, no certification shall be required under this subsection, except that the licensing or permitting agency shall impose, as a condition of any license or permit, a requirement that the licensee or permittee shall comply with the purposes of this Act.

(B) Upon notice from the State in which the discharge originates or, as appropriate, the interstate agency or the Secretary, that such licensee or permittee has been notified of the adoption of water quality standards applicable to such activity and has failed, after reasonable notice, of not less than six months, to comply with such standards, the license or permit shall be suspended until notification is received from such State or interstate agency or the Secretary that there is reasonable assurance that such activity will comply with applicable water quality standards.

(d) Nothing in this section shall be construed to limit the authority of any department or agency pursuant to any other provision of law to require compliance with applicable water quality standards. The Secretary shall, upon the request of any Federal department or agency, or State or interstate agency, or applicant, provide, for the purpose of this section, any relevant information on applicable water quality standards, and shall, when requested by any such department or agency or State or interstate agency, or applicant, comment on any methods to comply with such standards.

(e) In order to implement the provisions of this section, the Secretary of the Army, acting through the Chief of Engineers, is authorized, if he deems it to be in the public interest, to permit the use of spoil disposal areas under his jurisdiction by Federal licensees or permittees, and to make an appropriate charge for such use. Moneys received from such licensees or permittees shall be deposited in the Treasury as miscellaneous receipts.

ADMINISTRATION

SEC. [12.] *17.* (a) The Secretary is authorized to prescribe such regulations as are necessary to carry out his functions under this Act.

(b) The Secretary, with the consent of the head of any other agency of the United States, may utilize such officers and employees of such agency as may be found necessary to assist in carrying out the purposes of this Act.

(c) There are hereby authorized to be appropriated to the Department of the Interior such sums as may be necessary to enable it to carry out its functions under this Act.

(d) Each recipient of assistance under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(e) The Secretary of the Interior and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this Act.

DEFINITIONS

SEC. [13.] *18.* When used in this Act—

(a) The term "State water pollution control agency" means the State health authority, except that, in the case of any State in which

there is a single State agency, other than the State health authority, charged with responsibility for enforcing State laws relating to the abatement of water pollution, it means such other State agency.

(b) The term "interstate agency" means an agency of two or more States established by or pursuant to an agreement or compact approved by the Congress, or any other agency of two or more States, having substantial powers or duties pertaining to the control of pollution of waters.

(c) The term "treatment works" means the various devices used in the treatment of sewage or industrial wastes of a liquid nature, including the necessary intercepting sewers, outfall sewers, pumping, power, and other equipment, and their appurtenances, and includes any extensions, improvements, remodeling, additions, and alterations thereof.

(d) The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

(e) The term "interstate waters" means all rivers, lakes, and other waters that flow across or form a part of State boundaries, including coastal waters.

(f) The term "municipality" means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, and an Indian tribe or an authorized Indian tribal organization.

OTHER AUTHORITY NOT AFFECTED

SEC. [14.] *19.* This Act shall not be construed as (1) superseding or limiting the functions, under any other law, of the Surgeon General or of the Public Health Service, or of any other officer or agency of the United States, relating to water pollution, or (2) affecting or impairing the provisions of [the Oil Pollution Act, 1924, or] sections 13 through 17 of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors and for other purposes", approved March 3, 1899, as amended, or (3) affecting or impairing the provisions of any treaty of the United States.

SEPARABILITY

SEC. [15.] *20.* If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

SEC. [16.] *21.* (a) In order to provide the basis for evaluating programs authorized by this Act, the development of new programs, and to furnish the Congress with the information necessary for authorization of appropriations for fiscal years beginning after June 30, 1968, the Secretary, in cooperation with State water pollution control agencies and other water pollution control planning agencies, shall make a detailed estimate of the cost of carrying out the provisions of this Act; a comprehensive study of the economic impact on affected units of government of the cost of installation of treatment facilities; and a comprehensive analysis of the national requirements for and the cost of treating municipal, industrial, and other effluent to attain such water quality standards as established pursuant to this Act or

applicable State law. The Secretary shall submit such detailed estimate and such comprehensive study of such cost for the five-year period beginning July 1, 1968, to the Congress no later than January 10, 1968, such study to be updated each year thereafter.

[(b) The Secretary shall also make a complete investigation and study to determine (1) the need for additional trained State and local personnel to carry out programs assisted pursuant to this Act and other programs for the same purpose as this Act, and (2) means of using existing Federal training programs to train such personnel. He shall report the results of such investigation and study to the President and the Congress not later than July 1, 1967.]

(b)(1) The Secretary shall, in cooperation with the Secretary of the Army, the Secretary of Agriculture, the Water Resources Council, and with other appropriate Federal, State, interstate, or local public bodies and private organizations, institutions, and individuals, conduct and promote, and encourage contributions to, a comprehensive study of the effects of pollution, including sedimentation, in the estuaries and esturarine zones of the United States on fish and wildlife, on sport and commercial fishing, on recreation, on water supply and water power, and on other beneficial purposes. Such study shall also consider the effect of demographic trends, the exploitation of mineral resources and fossil fuels, land and industrial development, navigation, flood and erosion control, and other uses of estuaries and estuarine zones upon the pollution of the waters therein.

(2) In conducting the above study, the Secretary shall assemble, coordinate, and organize all existing pertinent information on the Nation's estuaries and estuarine zones; carry out a program of investigations and surveys to supplement existing information in representative estuaries and estuarine zones; and identify the problems and areas where further research and study are required.

(3) The Secretary shall submit to the Congress a final report of the study authorized by this subsection not later than three years after the date of enactment of this subsection. Copies of the report shall be made available to all interested parties, public and private. The report shall include, but not be limited to—

(A) an analysis of the importance of estuaries to the economic and social well-being of the people of the United States and of the effects of pollution upon the use and enjoyment of such estuaries;

(B) a discussion of the major economic, social, and ecological trends occurring in the estuarine zones of the Nation;

(C) recommendations for a comprehensive national program for the preservation, study, use, and development of estuaries of the Nation, and the respective responsibilities which should be assumed by Federal, State, and local governments and by public and private interests.

(4) There is authorized to be appropriated the sum of $1,000,000 per fiscal year for the fiscal years ending June 30, 1967, June 30, 1968, June 30, 1969, and June 30, 1970, to carry out the purposes of this subsection.

(5) For the purpose of this subsection, the term "estuarine zones" means an environmental system consisting of an estuary and those transitional areas which are consistently influenced or affected by water from an estuary such as, but not limited to salt, marshes, coastal and intertidal areas, bays, harbors, lagoons, inshore waters, and channels,

and the term "estuary" means all or part of the mouth of a navigable or interstate river or stream or other body of water having unimpaired natural connection with open sea and within which the sea water is measurably diluted with fresh water derived from land drainage.

[SEC. 17. The Secretary of the Interior shall, in consultation with the Secretary of the Army, the Secretary of the department in which the Coast Guard is operating, the Secretary of Health, Education, and Welfare, and the Secretary of Commerce, conduct a full and complete investigation and study of the extent of the pollution of all navigable waters of the United States from litter and sewage discharged, dumped, or otherwise deposited into such waters from watercraft using such waters, and methods of abating either in whole or in part such pollution. The Secretary shall submit a report of such investigation to Congress, together with his recommendations for any necessary legislation, not later than July 1, 1967.

[SEC. 18. The Secretary of the Interior shall conduct a full and complete investigation and study of methods for providing incentives designed to assist in the construction of facilities and works by industry designed to reduce or abate water pollution. Such study shall include, but not be limited to, the possible use of tax incentives as well as other methods of financial assistance. In carrying out this study the Secretary shall consult with the Secretary of the Treasury as well as the head of any other appropriate department or agency of the Federal Government. The Secretary shall report the results of such investigation and study, together with his recommendations, to the Congress not later than January 30, 1968.]

SHORT TITLE

SEC. [19.] *22.* This Act may be cited as the "Federal Water Pollution Control Act".

DISCRIMINATION PROHIBITED.—Title VI of the Civil Rights Act of 1964 states: "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance." Therefore, programs authorized by this Act, like every other program or activity receiving financial assistance from the Department of the Interior, must be operated in compliance with this law.

THE OIL POLLUTION ACT, 1924

[SECTION 1. This Act may be cited as the "Oil Pollution Act, 1924".

[SEC. 2. When used in this Act, unless the context otherwise requires—

[(1) "oil" means oil of any kind or in any form, including fuel oil, sludge, and oil refuse;

[(2) "person" means an individual, company, partnership, corporation, or association; any owner, operator, master, officer, or employee of a vessel; and any officer, agent or employee of the United States;

[(3) "discharge" means any grossly negligent, or willful spilling, leaking, pumping, pouring, emitting, or emptying of oil;

[(4) "navigable waters of the United States" means all portions of the sea within the territorial jurisdiction of the United States, and all inland waters navigable in fact; and

[(5) "Secretary" means the Secretary of the Interior.

[SEC. 3. (a) Except in case of emergency imperiling life or property, or unavoidable accident, collision, or stranding, and except as otherwise permitted by regulations prescribed by the Secretary as hereinafter authorized, it is unlawful for any person to discharge or permit the discharge from any boat or vessel of oil by any method, means, or manner into or upon the navigable waters of the United States, and adjoining shorelines of the United States.

[(b) Any person discharging or permitting the discharge of oil from any boat or vessel, into or upon the navigable waters of the United States shall remove the same from the navigable waters of the United States, and adjoining shorelines immediately. If such person fails to do so, the Secretary may remove the oil or may arrange for its removal, and such person shall be liable to the United States, in addition to the penalties prescribed in section 4 of this Act, for all costs and expenses reasonably incurred by the Secretary in removing the oil from the navigable waters of the United States, and adjoining shorelines of the United States. These costs and expenses shall constitute a lien on such boat or vessel which may be recovered in proceedings by libel in rem.

[(c) The Secretary may prescribe regulations which—

[(1) permit the discharge of oil from boats or vessels in such quantities under such conditions, and at such times and places as in his opinion will not be deleterious to health or marine life or a menace to navigation, or dangerous to persons or property engaged in commerce on navigable waters of the United States; and

[(2) relate to the removal or cost of removal, or both, of oil from the navigable waters of the United States, and adjoining shorelines of the United States.

[SEC. 4. (a) Any person who violates section 3(a) of this Act shall, upon conviction thereof, be punished by a fine not exceeding $2,500, or by imprisonment not exceeding one year, or by both such fine and imprisonment for each offense.

[(b) Any boat or vessel other than a boat or vessel owned and operated by the United States from which oil is discharged in violation of section 3(a) of this Act shall be liable for a penalty of not more than $10,000. Clearance of a boat or vessel liable for this penalty from a port of the United States may be withheld until the penalty is paid. The penalty shall constitute a lien on such boat or vessel which may be recovered in proceedings by libel in rem in the district court of the United States for any district within which such boat or vessel may be.

[SEC. 5. The Commandant of the Coast Guard may, subject to the provisions of section 4450 of the Revised Statutes, as amended (46 U.S.C. 239), suspend or revoke a license issued to the master or other licensed officer of any boat or vessel found violating the provisions of section 3 of this Act.

[SEC. 6. In the administration of this Act the Secretary may, with the consent of the Commandant of the Coast Guard or the Secretary of the Army, make use of the organization, equipment, and agencies, including engineering, clerical, and other personnel, employed by the Coast Guard or the Department of the Army, respectively, for the preservation and protection of navigable waters of the United States. For the better enforcement of the provisions of this Act, the officers and agents of the United States in charge of river and harbor improvements and persons employed under them by authority of the Secretary of the Army, and persons employed by the Secretary, and officers of the Customs and Coast Guard of the United States shall have the power and authority and it shall be their duty to swear out process and to arrest and take into custody, with or without process, any person who may violate any of such provisions, except that no person shall be arrested without process for a violation not committed in the presence of some one of the aforesaid persons. Whenever any arrest is made under the provisions of this Act the person so arrested shall be brought forthwith before a commissioner, judge, or court of the United States for examination of the offenses alleged against him, and such commissioner, judge or court shall proceed in respect thereto as authorized by law in cases of crimes against the United States.

[SEC. 7. This Act shall be in addition to other laws for the preservation and protection of navibable waters of the United States and shall not be construed as repealing, modifying, or in any manner affecting the provisions of such laws.]

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Calendar No. 346

91ST CONGRESS
1ST SESSION

S. 7

[Report No. 91–351]

IN THE SENATE OF THE UNITED STATES

JANUARY 15 (legislative day, JANUARY 10), 1969

Mr. MUSKIE (for himself, Mr. BAKER, Mr. BOGGS, Mr. BURDICK, Mr. BYRD of West Virginia, Mr. CASE, Mr. COOPER, Mr. DODD, Mr. ERVIN, Mr. FONG, Mr. HART, Mr. INOUYE, Mr. KENNEDY, Mr. MAGNUSON, Mr. MANSFIELD, Mr. METCALF, Mr. MONDALE, Mr. MONTOYA, Mr. MOSS, Mr. MURPHY, Mr. NELSON, Mr. PACKWOOD, Mr. PROUTY, Mr. RANDOLPH, Mr. RIBICOFF, Mr. SCOTT, Mr. SPONG, Mr. TYDINGS, Mr. WILLIAMS of New Jersey, Mr. YARBOROUGH, and Mr. YOUNG of Ohio) introduced the following bill; which was read twice and referred to the Committee on Public Works

AUGUST 7 (legislative day, AUGUST 5), 1969

Reported by Mr. MUSKIE, with amendments

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To amend the Federal Water Pollution Control Act, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, ~~That this Act may be cited as the "Water Quality Improvement Act of 1969".~~

~~SEC. 2. Sections 17 and 18 of the Federal Water Pollution Control Act, as amended, are hereby repealed. Section~~

~~19 of the Federal Water Pollution Control Act, as amended, is redesignated as section 20. Sections 11 through 16 of the Federal Water Pollution Control Act, as amended, are redesignated as sections 14 through 19. The Federal Water Pollution Control Act, as amended, is further amended by inserting after section 10 three new sections to read as follows:~~

~~"CONTROL OF SEWAGE FROM VESSELS~~

~~"SEC. 11. (a) For the purpose of this section, the term—~~

~~"(1) 'new vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which is completed after promulgation of standards and regulations under this section;~~

~~"(2) 'existing vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which has been completed before promulgation of standards and regulations under this section;~~

~~"(3) 'public vessel' means a vessel owned or bareboat chartered and operated by the United States, by a State or political subdivision thereof, or by a foreign nation or by a political subdivision thereof,~~

except in any case in which such vessel is used primarily to carry freight or passengers or to engage in commercial fishing;

"(4) 'United States' includes the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands;

"(5) 'marine sanitation device' means any equipment for installation on board a vessel which is designed to receive, retain, treat, or discharge sewage;

"(6) 'sewage' means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

"(7) 'manufacturer' means any person engaged in the manufacturing, assembling, or importation of marine sanitation devices or of vessels having installed on board such devices; and

"(8) 'person' means an individual, partnership, firm, corporation, or association, but does not include an individual on board a public vessel.

"(b)(1) As soon as possible after the enactment of this section, the Secretary, after consultation with the Secretary of the department in which the Coast Guard is operating, after giving appropriate consideration to the economic costs involved and within the limits of available technology, shall promulgate Federal standards of perform-

ance for marine sanitation devices (hereinafter referred to as 'standards') which shall be designed to prevent the discharge of untreated or inadequately treated sewage into or upon the navigable waters of the United States from new vessels and existing vessels, except vessels not equipped with installed toilet facilities. Such standards shall be consistent with maritime safety and the marine and navigation laws and regulations and shall be coordinated with the regulations issued under this subsection by the Secretary of the department in which the Coast Guard is operating. The Secretary of the department in which the Coast Guard is operating shall promulgate regulations, which are consistent with the standards issued under this subsection and with maritime safety and the marine and navigation laws and regulations, governing the design, construction, installation, and operation of any marine sanitation device on board such vessels.

"(2) Any existing vessel equipped with a device or devices installed pursuant to the requirements of State statute, regulation, or recommended levels of control set forth in the Handbook on Sanitation and Vessel Construction (Public Health Service, 1965) prior to the promulgation of the initial standards and regulations required by this section shall be deemed in compliance with this section until such time as the device or devices are replaced or are found not to be in

compliance with such State statute, regulation, or recommended level.

"(c)(1) Initial standards and regulations under this section shall become effective for new vessels two years after promulgation; but not earlier than December 31, 1971, and for existing vessels five years after promulgation. Revisions of standards and regulations shall be effective upon promulgation, unless another effective date is specified.

"(2) The Secretary and the Secretary of the department in which the Coast Guard is operating with regard to their respective regulatory authority established by this section, may distinguish among classes, types, and sizes of vessels as well as between new and existing vessels, and may waive applicability of standards and regulations as necessary or appropriate for such classes, types, and sizes of vessels, and, upon application, for individual vessels.

"(d) The provisions of this section and the standards and regulations promulgated thereunder shall apply to vessels owned and operated by the United States unless the Secretary of Defense finds that compliance would not be in the interest of national security.

"(e) Before the standards and regulations under this section are promulgated, the Secretary and the Secretary of the department in which the Coast Guard is operating shall consult with the Secretary of State; the Secretary of Health,

Education, and Welfare; the Secretary of Defense; the Secretary of Commerce; other interested Federal agencies; and the States and industries interested; and otherwise comply with the requirements of section 553 of title 5 of the United States Code.

"(f)(1) After the effective date of this section, no State or political subdivision thereof shall adopt or enforce any statute or regulation with respect to the use of any marine sanitation device with any vessel subject to the provisions of this section, except as provided in this subsection.

"(2) Any State or political subdivision thereof having, on the effective date of this section, any statute or regulation with respect to such a device may continue to enforce such statute or regulation unless the Secretary or the Secretary of the department in which the Coast Guard is operating determines, in accordance with section 553, title 5 of the United States Code, that said statute or regulation is inconsistent or in conflict with any standard or regulation promulgated under this section. Any such determination shall be subject to judicial review in the United States Court of Appeals for the circuit in which such State or subdivision is located and such court shall have jurisdiction to hear and decide such matters.

"(g)(1) No manufacturer of a marine sanitation device shall sell, offer for sale, or introduce or deliver for in-

troduction in interstate commerce, or import into the United States for sale or resale any marine sanitation device manufactured after the effective date of the standards and regulations promulgated under this section unless such device is in all material respects substantially the same as a test device certified under this subsection.

"(2) Upon application of the manufacturer, the Secretary of the department in which the Coast Guard is operating shall so certify a marine sanitation device if he determines, in accordance with the provisions of this paragraph, that it meets the appropriate standards and regulations promulgated under this section. The Secretary of the department in which the Coast Guard is operating shall test or require such testing of the device in accordance with procedures set forth by the Secretary as to standards of performance and for such other purposes as may be appropriate. The Secretary, upon notification of the results of such tests, shall determine if such results are in accordance with the appropriate performance standards promulgated under this section and shall notify the Secretary of the department in which the Coast Guard is operating of his determination. Upon such notification the Secretary of the department in which the Coast Guard is operating, if he determines that the device is satisfactory from the standpoint of safety and any other requirements of maritime law or regulation, and after consideration of the

design, installation, operation, material, or other appropriate factors, shall certify the device. Any device manufactured by such manufacturer which is in all material respects substantially the same as the certified test device shall be deemed to be in conformity with the appropriate standards and regulations established under this section.

"(3) Every manufacturer shall establish and maintain such records, make such reports, and provide such information as the Secretary or the Secretary of the department in which the Coast Guard is operating may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this section and regulations thereunder and shall, upon request of an officer or employee duly designated by the Secretary or the Secretary of the department in which the Coast Guard is operating, permit such officer or employee at reasonable times to have access to and copy such records. All information reported to, or otherwise obtained by, the Secretary or the Secretary of the department in which the Coast Guard is operating or their representatives pursuant to this subsection which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this section.

"(h) After the effective date of standards and regulations promulgated under this section, it shall be unlawful—

"(1) for the manufacturer of any vessel subject to such standards and regulations to manufacture for sale, to sell or offer for sale, or to distribute for sale or resale any such vessel unless it is equipped with a marine sanitation device which is in all material respects substantially the same as the appropriate test device certified pursuant to this section;

"(2) for any person, prior to the sale or delivery of a vessel subject to such standards and regulations to the ultimate purchaser, wrongfully to remove or render inoperative any certified marine sanitation device or element of design of such device installed in such vessel;

"(3) for any person to fail or refuse to permit access to or copying of records or to fail to make reports or provide information required under this section; and

"(4) for a vessel subject to such standards and regulations to discharge sewage into or upon the navigable waters of the United States, except with the use of a marine sanitation device certified pursuant to this section.

"(i) The district courts of the United States shall have jurisdiction to restrain violators of subsection (h)(1) through (3) of this section. Actions to restrain such vio-

lators shall be brought by, and in, the name of the United States. In any such action, subpenas for witnesses who are required to attend a district court in any district may run into any other district.

"(j) Any person who violates clauses (1) or (2) of subsection (h) of this section shall be liable to a civil penalty of not more than $5,000 for each violation. Any person who violates clause (4) of subsection (h) of this section shall be liable to a civil penalty of not more than $2,000 for each violation. Each violation shall be a separate offense. The Secretary of the department in which the Coast Guard is operating may assess and compromise any such penalty. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by said Secretary.

"(k) The provisions of this section shall be enforced by the Secretary of the department in which the Coast Guard is operating and he may utilize by agreement, with or without reimbursement, law-enforcement officers or other personnel and facilities of the Secretary, other Federal agencies, or the States to carry out the provisions of this section.

"(l) Anyone authorized by the Secretary of the department in which the Coast Guard is operating to enforce

the provisions of this section may, except as to public vessels, (1) board and inspect any vessel upon the navigable waters of the United States, (2) with or without a warrant arrest any person who violates the provisions of this section or any regulation issued thereunder in his presence or view, and (3) execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(m) In the case of Guam, actions arising under this section may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions.

"CONTROL OF OIL DISCHARGES

"SEC. 12. (a) For the purpose of this section, the term—

"(1) 'oil' means oil of any kind or in any form, including, but not limited to, petroleum, fuel, oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil;

"(2) 'discharge' means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping;

"(3) 'vessel' includes every description of water-

craft or other artificial contrivance used, or capable of being used, as a means of transportation on water;

"(4) 'public vessel' means a vessel owned or bareboat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation or political subdivision thereof, except in any case in which such vessel is used primarily to carry freight or passengers or to engage in commercial fishing;

"(5) 'United States' includes the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

"(6) 'owner or operator' means any person owning, operating, or chartering by demise, a vessel; and

"(7) 'person' includes an individual, firm, corporation, association, or a partnership.

"(b) (1) Except in case of an emergency imperiling life or property or an act of war, or an unavoidable accident, collision, or stranding, or act of sabotage, or except as otherwise permitted by regulations issued by the Secretary under this section, any owner or operator who, either directly or through any person, whether or not his servant or agent, concerned in the operation, navigation, or management of the vessel, discharges or permits the discharge of oil from a vessel by any method, means, or manner into or upon

the navigable waters of the United States or adjoining shorelines, shall be punished in accordance with the provisions of this subsection.

"(2) The owner or operator of any vessel (other than a public vessel) or any such vessel which willfully or negligently discharges oil in violation of paragraph (1) of this subsection shall be assessed a civil penalty by the Secretary of not more than $10,000 for each offense. Each violation is a separate offense. Any such civil penalty may be compromised by the Secretary. In determining the amount of the penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the owner or operator of the vessel charged, the effect on the owner or operator's ability to continue in business, and the gravity of the violation, shall be considered by the Secretary. The district director of customs at the port or place of departure from the United States shall withhold, at the request of the Secretary, the clearance required by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C. 91), of any vessel subject to the foregoing penalty. Clearance may be granted in such cases upon the filing of a bond or other surety satisfactory to the Secretary. Such penalty shall constitute a maritime lien on such vessel which may be recovered by action in rem in the district court of the

United States for any district within which such vessel may be found.

"(c) (1) Any person who discharges or permits or causes or contributes to the discharge of oil in substantial quantities from any source into or upon the navigable waters of the United States or adjoining shorelines, shall immediately notify the Secretary or his delegate of such discharge. Any person subject to the jurisdiction of the United States who knowingly fails to make such notification immediately shall, upon conviction, be fined not more than $5,000, or imprisoned not more than one year, or both.

"(2) Whenever advice is received of any discharge of oil into or upon any waters, shorelines, or beaches, the United States may, unless arrangements for removal of the discharged oil have been made pursuant to paragraph (4) or (5), remove or arrange for the removal thereof in accordance with the regulations prescribed under subsection (g) of this section when, in the judgment of the Secretary, such oil presents a pollution hazard to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife, or to shorelines and beaches of the United States.

"(3) There is hereby authorized to be appropriated to a revolving fund to be established in the Treasury to carry out the provisions of paragraphs (2), (4), or (5) of this subsec-

tion such sums as may be necessary. Any funds received by the United States under this section shall also be deposited in said fund for such purposes. All sums appropriated to, or deposited in, said fund shall remain available until expended.

"(4) The owner or operator of any vessel who, either directly or through any person, whether or not his servant or agent, concerned in the operation, navigation, or management of the vessel, willfully or negligently discharges or permits or causes or contributes to the discharge of oil into or upon the navigable waters of the United States or adjoining shorelines shall immediately remove such oil from such waters or shorelines in accordance with the regulations issued under this section. If such oil is not removed the Secretary is authorized to remove it, and such owner or operator, and, as appropriate, the vessel shall be liable to the United States for the full amount of the actual costs reasonably incurred under this subsection for the removal of such oil by the United States. Such aggregate liability under this paragraph for the cost of removal of discharged oil or matter shall not exceed $15,000,000, or $450 per registered gross ton of such offending vessel, whichever is the lesser amount. The district director of customs at the port or place of departure from the United States shall withhold, at the request of the Secretary, the clearance required by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C.

91), of a vessel, other than a public vessel, liable for such costs until such costs are paid or until a bond or other surety satisfactory to the Secretary is posted. Such costs shall constitute a maritime lien on such vessel which may be recovered in an action in rem in the district court of the United States for any district within which such vessel may be found.

"(5) Any person who owns or operates an onshore or offshore facility, other than a vessel, of any kind, who either directly or through any person, whether or not his servant or agent, concerned in the operation or management of such facility, willfully or negligently discharges or permits or causes or contributes to the discharge of oil into or upon the navigable waters of the United States or adjoining shorelines shall immediately remove such oil from such waters or shorelines in accordance with the regulations issued under this section. If such oil is not removed the Secretary is authorized to remove it, and such person shall be liable to the United States for the full amount of the actual costs reasonably incurred by the Secretary for such removal. Such aggregate liability under this paragraph shall not exceed $15,000,000.

"(6) The removal of oil under this subsection shall be carried out in accordance with the regulations prescribed under subsection (c) of this section.

"(7) For the purpose of insuring the efficient and economic removal of oil under subsection (c)(2) of this section, the President shall within ninety days after enactment of this subsection, delegate, by agreement, to the Secretary, the Secretary of the department in which the Coast Guard is operating, the Secretary of Defense, and other appropriate Federal agencies all or part of the responsibility under subsection (c)(2) of this section for removing discharged oil, in accordance with a national contingency plan or revision thereof, approved by the President, establishing procedures to be followed in removing such oil. The Secretary is authorized to make, from any moneys in the fund established by this subsection, available to such Federal agencies such sums as may be necessary to effectuate such removal. Each such agency, in order to avoid duplication of effort, shall, whenever practicable, utilize with or without reimbursement the personnel, services, and facilities of other Federal agencies.

"(d)(1) In any action instituted by the United States under subsection (c)(4) of this section, evidence of a discharge of oil from a vessel shall constitute a prima facie case of liability on the part of the owner or operator thereof and the burden of rebutting such prima facie case shall be upon such owner or operator. The United States shall also

have cause of action under subsection (c)(4) of this section against any owner or operator of a vessel whose willful act or negligence is found to have caused or contributed to the discharge of oil from a vessel involved in a collision or other casualty. The burden of rebutting the prima facie case of liability which the United States shall have against a vessel or the owner or operator thereof from which the oil is discharged shall in no way affect any rights which such owner or operator may have against any other vessel or owner or operator or other persons whose willful act or negligence may in any way have caused or contributed to such discharge.

"(2) In any action instituted by the United States under subsection (c)(5) of this section, evidence of a discharge of oil from an onshore or offshore facility of any kind, other than a vessel, shall constitute a prima facie case of liability on the part of any person who owns or operates such facility and the burden of rebutting such prima facie case shall be upon such person.

"(c) Within one hundred and eighty days after the effective date of this section—

"(1) the Secretary shall issue regulations, in consultation with the Secretary of the department in which the Coast Guard is operating and consistent with maritime safety and with marine and navigation laws, estab-

lishing criteria for the removal of discharged oil, including criteria relative to the methods and means of removal, from waters and shorelines.

"(2) the Secretary of the department in which the Coast Guard is operating shall issue regulations, in consultation with the Secretary, establishing procedures, methods, and equipment (A) to prevent discharges of oil from vessels, and (B) to implement the regulations of the Secretary relative to removing discharged oil.

"(f) The Secretary, in consultation with the Secretary of the department in which the Coast Guard is operating and consistent with maritime safety and with marine and navigation laws and regulations, may issue regulations authorizing the discharge of oil from a vessel in quantities, under conditions, and at times and locations deemed appropriate by him, after taking into consideration various factors such as the effect of such discharge on applicable water quality standards, recreation, and fish and wildlife.

"(g) The provisions of subsection (b) of this section and the regulations issued under subsections (c) and (f) of this section shall be enforced by the Secretary of the department in which the Coast Guard is operating. The Secretary of the department in which the Coast Guard is operating may utilize by agreement, with or without reimbursement,

the personnel, services, and facilities of any other Federal agency in carrying out these provisions and regulations.

"(h) Anyone authorized by the Secretary of the department in which the Coast Guard is operating to enforce the provisions of this section may, except as to public vessels, (1) board and inspect any vessel upon the navigable waters of the United States, (2) with or without a warrant arrest any person who violates the provisions of this section or any regulation issued thereunder in his presence or view, and (3) execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(i) In the case of Guam, actions arising under this section may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions.

"(j) The Secretary of Transportation, in consultation with the Secretaries of Interior, State, Commerce, and other interested Federal agencies, shall conduct a study of the need for, and the desirability of, establishing a system of requiring vessels using the navigable waters of the United States to give evidence that such vessels have adequate

financial capability within appropriate limitations to reimburse the United States in accordance with the provisions of subsection (c) of this section for the removal of discharged oil and to pay damage claims covering private real or personal property injured or destroyed by such discharged oil. In carrying out this study, the Secretary of Transportation shall seek detailed information relative to the economic effects of such a system on the merchant marine industry, and shall seek the advice and recommendations of representatives of the merchant marine, oil, and insurance industries, labor, and other national and international organizations relative to the need for, and desirability of, such a system. The Secretary of Transportation shall submit a report, together with recommendations thereon, to the Congress, through the President, by July 1, 1970.

"AREA ACID AND OTHER MINE WATER POLLUTION CONTROL DEMONSTRATIONS

"SEC. 13. (a) The Secretary in cooperation with other Federal agencies is authorized to enter into agreements with any State or interstate agency to carry out one or more projects to demonstrate methods for the elimination or control, within all or part of a watershed, of acid or other mine water pollution resulting from active or abandoned mines. Such projects shall demonstrate the engineering and economic feasibility and practicality of various abatement techniques

which will contribute substantially to effective and practical methods of acid or other mine water pollution elimination or control.

"(b) The Secretary, in selecting watersheds for the purposes of this section, shall (1) require such feasibility studies as he deems appropriate, (2) give preference to areas which have the greatest present or potential value for public use for recreation, fish and wildlife, water supply, and other public uses, and (3) be satisfied that the project area will not be affected adversely by the influx of acid or other mine water pollution from nearby sources.

"(c) Federal participation in such projects shall be subject to the conditions—

"(1) that the State or interstate agency shall pay not less than 25 per centum of the actual project costs which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, personal property, or services, the value of which shall be determined by the Secretary; and

"(2) that the State or interstate agency shall provide legal and practical protection to the project area to insure against any activities which will cause future acid or other mine water pollution.

"(d) There is authorized to be appropriated $15,000,000 to carry out the provisions of this section, which

sum shall be available until expended. No more than 25 per centum of the total funds appropriated under this section in any one year shall be granted to any one State."

SEC. 3. (a) Redesignated section 14 of the Federal Water Pollution Control Act, as amended, is amended to read as follows:

"COOPERATION BY ALL FEDERAL AGENCIES IN THE CONTROL OF POLLUTION

"SEC. 14. (a) Each Federal agency having jurisdiction over any real property or facility of any kind shall, within available appropriations and consistent with the interests of the United States, insure compliance with applicable water quality standards and the purposes of this Act in the administration of such property, or facility. In his summary of any conference pursuant to section 10(d)(4) of this Act, the Secretary shall include references to any discharges allegedly contributing to pollution from any such Federal property or facility, and shall transmit a copy of such summary to the head of the Federal agency having jurisdiction of such property or facility. Notice of any hearing pursuant to section 10(f) of this Act involving any pollution alleged to be effected by any such discharges shall also be given to the Federal agency having jurisdiction over the property or facility involved, and the findings and recommendations of

the hearing board conducting such hearing shall include references to any such discharges which are contributing to the pollution found by such board.

"(b) Any applicant for a Federal license or permit to conduct any activity which may result in discharges into the waters of the United States shall provide the licensing or permitting agency with certification from the appropriate State or interstate water pollution control agency that such activity will be conducted in a manner which shall insure compliance with applicable water quality standards. In any case where such standards have been established by the Secretary pursuant to section 10 of this Act, such certification shall be from the Secretary. No license or permit shall be granted until such certification has been obtained or unless good cause is shown for not obtaining such certification. Such license or permit shall be suspended if a court of competent jurisdiction finds, pursuant to section 10(c)(5) of this Act that such licensee or permittee is not in compliance with applicable water quality standards. Nothing in this section shall be construed to limit the authority of any department or agency pursuant to any other provision of law to require compliance with applicable water quality standards. The Secretary shall, upon the request of any Federal department or agency, provide, for the purposes of this section, any relevant information on applicable water quality standards and shall, when requested

by any such department or agency, comment on the methods proposed by the applicant to comply with such standards."

SEC. 4. Section 5 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466c), is amended—

(1) by redesignating subsections (g) and (h) as (j) and (k);

(2) by inserting after subsection (f) three new subsections to read as follows:

"(g) The Secretary is authorized to enter into contracts with or make grants to, public or private agencies and organizations and individuals for (A) the purpose of developing and demonstrating new or improved methods for the prevention, removal, and control of natural or man-made pollution in lakes, including the undesirable effects of nutrients and vegetation, and (B) the construction of publicly owned research facilities for such purpose.

"(h) The Secretary shall engage in such research, studies, experiments, and demonstrations as he deems appropriate relative to the removal of oil from any waters and to the prevention and control of oil pollution, and shall publish from time to time the results of such activities. In carrying out this subsection, the Secretary may enter into contracts with, or make grants to, public or private agencies and organizations and individuals.";

(3) by changing in redesignated subsection (j) (4)

~~the words "and June 30, 1969," to June 30, 1969, and June 30, 1970,"; and~~

~~(4) by amending the first sentence of redesignated subsection (k) to read as follows: "There is authorized to be appropriated to carry out this section, other than subsection (j), not to exceed $65,000,000 for the fiscal year ending June 30, 1969, and for the two succeeding fiscal years."~~

~~SEC. 5. Section 6 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466e-1), is amended—~~

~~(1) by changing in subsection (c) (1) the word "three" to "five"; and~~

~~(2) by changing in subsection (c) (2) and (3) the word "two" to "four".~~

~~SEC. 6. Redesignated section 17 of the Federal Water Pollution Control Act, as amended, is amended by deleting the following: "the Oil Pollution Act, 1924, or".~~

~~SEC. 7. The Oil Pollution Act, 1924 (43 Stat. 604), as amended (80 Stat. 1246-1252), is hereby repealed.~~

TITLE I—WATER QUALITY IMPROVEMENT

SECTION 101. This title may be cited as the "Water Quality Improvement Act of 1969".

SEC. 102. Sections 17 and 18 of the Federal Water Pollution Control Act, as amended, are hereby repealed. Section 19 of the Federal Water Pollution Control Act, as

amended, is redesignated as section 22. Sections 11 through 16 of the Federal Water Pollution Control Act, as amended, are redesignated as sections 16 through 21. The Federal Water Pollution Control Act, as amended, is further amended by inserting after section 10 five new sections to read as follows:

"CONTROL OF SEWAGE FROM VESSELS

"SEC. 11. (a) For the purpose of this section, the term—

"(1) 'new vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which is initiated after promulgation of standards and regulations under this section;

"(2) 'existing vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which has been initiated before promulgation of standards and regulations under this section;

"(3) 'public vessel' means a vessel owned or bareboat chartered and operated by the United States, by a State or political subdivision thereof, or by a

foreign nation, except in any case in which such vessel is engaged in commerce;

"(4) 'United States' includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Canal Zone, and the Trust Territory of the Pacific Islands;

"(5) 'marine sanitation device' means any equipment for installation on board a vessel which is designed to receive, retain, treat, or discharge sewage;

"(6) 'sewage' means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

"(7) 'manufacturer' means any person engaged in the manufacturing, assembling, or importation of marine sanitation devices or of vessels having installed on board such devices; and

"(8) 'person' means an individual, partnership, firm, corporation, or association, but does not include an individual on board a public vessel.

"(b)(1) Not later than two years after the enactment of this section, the Secretary, after consultation with the Secretary of the department in which the Coast Guard is operating, after giving appropriate consideration to the economic costs involved and within the limits of available technology, shall promulgate Federal standards of perform-

ance for marine sanitation devices (hereinafter referred to as 'standards') which shall be designed to prevent the discharge of untreated or inadequately treated sewage into or upon the navigable waters of the United States from new vessels and existing vessels, except vessels not equipped with installed toilet facilities. Such standards shall be consistent with maritime safety and the marine and navigation laws and regulations and shall be coordinated with the regulations issued under this subsection by the Secretary of the department in which the Coast Guard is operating. The Secretary of the department in which the Coast Guard is operating shall promulgate regulations, which are consistent with the standards issued under this subsection and with maritime safety and the marine and navigation laws and regulations, governing the design, construction, installation, and operation of any marine sanitation device on board such vessels.

"(2) Any existing vessel equipped with a device or devices installed pursuant to the requirements of State statute, regulation, or recommended levels of control set forth in the Handbook on Sanitation and Vessel Construction (Public Health Service, 1965) prior to the promulgation of the initial standards and regulations required by this section shall be deemed in compliance with this section until such time as the device or devices are replaced or are found not to be in

compliance with such State statute, regulation, or recommended level.

"(c)(1) Initial standards and regulations under this section shall become effective for new vessels two years after promulgation; and for existing vessels five years after promulgation. Revisions of standards and regulations shall be effective upon promulgation, unless another effective date is specified.

"(2) The Secretary of the department in which the Coast Guard is operating with regard to the regulatory authority established by this section, may distinguish among classes, types, and sizes of vessels as well as between new and existing vessels, and may waive applicability of standards and regulations as necessary or appropriate for such classes, types, and sizes of vessels, and, upon application, for individual vessels.

"(d) The provisions of this section and the standards and regulations promulgated thereunder shall apply to vessels owned and operated by the United States unless the Secretary of Defense finds that compliance would not be in the interest of national security.

"(e) Before the standards and regulations under this section are promulgated, the Secretary and the Secretary of the department in which the Coast Guard is operating shall consult with the Secretary of State; the Secretary of Health,

Education, and Welfare; the Secretary of Defense; the Secretary of Commerce; other interested Federal agencies; and the States and industries interested; and otherwise comply with the requirements of section 553 of title 5 of the United States Code.

"(f) After the effective date of any standards and regulations established pursuant to this section, no State or political subdivision thereof shall adopt or enforce any statute or regulation with respect to the design, manufacture, installation, or use of any marine sanitation device in connection with any vessel subject to the provisions of this section, except that nothing in this subsection shall restrict the authority of a State to prohibit the discharge of sewage in any waters within a State where implementation of applicable water quality standards requires such prohibition.

"(g)(1) No manufacturer of a marine sanitation device shall sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States for sale or resale any marine sanitation device manufactured after the effective date of the standards and regulations promulgated under this section unless such device is in all material respects substantially the same as a test device certified under this subsection.

"(2) Upon application of the manufacturer, the Secretary of the department in which the Coast Guard is operating

shall so certify a marine sanitation device if he determines, in accordance with the provisions of this paragraph, that it meets the appropriate standards and regulations promulgated under this section. The Secretary of the department in which the Coast Guard is operating shall test or require such testing of the device in accordance with procedures set forth by the Secretary as to standards of performance and for such other purposes as may be appropriate. If the Secretary of the department in which the Coast Guard is operating determines that the device is satisfactory from the standpoint of the procedures set forth by the Secretary and any other requirements of maritime law or regulation, and after consideration of the design, installation, operation, material, or other appropriate factors, he shall certify the device. Any device manufactured by such manufacturer which is in all material respects substantially the same as the certified test device shall be deemed to be in conformity with the appropriate standards and regulations established under this section.

"(3) Every manufacturer shall establish and maintain such records, make such reports, and provide such information as the Secretary or the Secretary of the department in which the Coast Guard is operating may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this section and regula-

tions thereunder and shall, upon request of an officer or employee duly designated by the Secretary or the Secretary of the department in which the Coast Guard is operating, permit such officer or employee at reasonable times to have access to and copy such records. All information reported to, or otherwise obtained by, the Secretary or the Secretary of the department in which the Coast Guard is operating or their representatives pursuant to this subsection which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this section.

"(h) After the effective date of standards and regulations promulgated under this section, it shall be unlawful—

"(1) for the manufacturer of any vessel subject to such standards and regulations to manufacture for sale, to sell or offer for sale, or to distribute for sale or resale any such vessel unless it is equipped with a marine sanitation device which is in all material respects substantially the same as the appropriate test device certified pursuant to this section;

"(2) for any person, prior to the sale or delivery of a vessel subject to such standards and regulations to the

ultimate purchaser, wrongfully to remove or render inoperative any certified marine sanitation device or element of design of such device installed in such vessel;

"(3) for any person to fail or refuse to permit access to or copying of records or to fail to make reports or provide information required under this section; and

"(4) for a vessel subject to such standards and regulations to operate on the navigable waters of the United States, if such vessel is not equipped with an operable marine sanitation device certified pursuant to this section.

"(i) The district courts of the United States shall have jurisdiction to restrain violators of subsection (h) of this section. Actions to restrain such violators shall be brought by, and in, the name of the United States. In any such action, subpenas for witnesses who are required to attend a district court in any district may run into any other district. In case of contumacy or refusal to obey a subpena served upon any person under this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and pro-

duce documents, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(j) Any person who violates clause (1) or (2) of subsection (h) of this section shall be liable to a civil penalty of not more than $5,000 for each violation. Any person who violates clause (4) of subsection (h) of this section or any regulation issued pursuant to this section, shall be liable to a civil penalty of not more than $2,000 for each violation. Each violation shall be a separate offense. The Secretary of the department in which the Coast Guard is operating may assess and compromise any such penalty. No penalty shall be assessed until the person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by said Secretary.

"(k) The provisions of this section shall be enforced by the Secretary of the Department in which the Coast Guard is operating and he may utilize by agreement, with or without reimbursement, law enforcement officers or other personnel and facilities of the Secretary, other Federal

agencies, or the States to carry out the provisions of this section.

"(l) Anyone authorized by the Secretary of the Department in which the Coast Guard is operating to enforce the provisions of this section may, except as to public vessels, board and inspect any vessel upon the navigable waters of the United States, and execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(m) The several district courts of the United States are invested with jurisdiction for any actions arising under this section. In the case of Guam, such actions may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone, such actions may be brought in the District Court for the District of the Canal Zone.

"CONTROL OF OIL DISCHARGES

"SEC. 12. (a) For the purpose of this section, the term—

"(1) 'oil' means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge,

oil refuse, and oil mixed with wastes other than dredged spoil;

"(2) 'discharge' means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping;

"(3) 'vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, other than a public vessel;

"(4) 'public vessel' means a vessel owned or bareboat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation or political subdivision thereof, except in any case in which such vessel is engaged in commerce;

"(5) 'United States' includes the States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Canal Zone, and the Trust Territory of the Pacific Islands;

"(6) 'owner or operator' means, as the context requires, any person owning, operating, or chartering by demise, a vessel, or any person owning or operating an onshore or offshore facility or an onshore or offshore drilling-production facility;

"(7) 'person' includes an individual, firm, corporation, association, or a partnership;

"(8) 'remove' or 'removal' includes removal of the

oil from the water and shorelines and the taking of actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private shorelines;

"(9) 'contiguous zone' means the entire zone established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone;

"(10) 'onshore or offshore drilling-production facility' means any facility of any kind and related appurtenances, thereto located in, on, or under, the surface of any land, or permanently or temporarily affixed to any land, including lands beneath the navigable waters of the United States, which is used or capable of being used for the purpose of exploring for, drilling, or producing oil;

"(11) 'onshore or offshore facility' means any facility, other than an onshore or offshore drilling-production facility, of any kind and related appurtenances thereto located in, on, or under, the surface of any land, or permanently or temporarily affixed to any land, including lands beneath the navigable waters of the United States, which is used or capable of being used for the purpose of processing, transporting, or transferring oil, or for

the purpose of storing oil for any commercial purpose, but does not include any facility, other than a marine facility, used or capable of being used to store five hundred barrels of oil or less; and

"(12) 'act of God' means an act occasioned exclusively by violence of nature without the interference of any human agency.

"(b)(1) The discharge of oil into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone is prohibited, except (A) in the case of such discharges into the waters of the contiguous zone, where permitted under article IV of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, and (B) where permitted in quantities and at times and locations or under such circumstances or conditions as the President may, by regulation, deem appropriate. Any regulations issued under this subsection shall be consistent with maritime safety and with marine and navigation laws and regulations and applicable water quality standards.

"(2) Any vessel, onshore or offshore facility, or onshore or offshore drilling-production facility from which oil is knowingly discharged in violation of the provisions of paragraph (1) of this subsection shall be subject to an in rem civil penalty of not more than $2,500 for each offense. No penalty

shall be assessed unless the owner or operator of the vessel or of the onshore or offshore facility has been given notice and an opportunity for a hearing with respect to such discharge. Any such penalty also may be compromised. In determining the amount of such penalty, or the amount agreed upon in compromise, the gravity and nature of the violation, the history of discharges by such vessel or facility, the giving of notice pursuant to subsection (c), and any action taken to minimize or mitigate damage, including removal of discharged oil in accordance with the provisions of this section and the regulations promulgated thereto, shall be taken into consideration.

"(c) In order to facilitate the removal of oil and minimize or mitigate damage resulting from the discharge thereof, any person in charge of a vessel, an onshore or offshore facility, or an onshore or offshore drilling-production facility shall, as soon as he has knowledge of any discharge of oil from such vessel or facility in violation of subsection (b) of this section or the regulations promulgated thereunder, immediately notify the appropriate agency of the United States Government of such discharge. Any such person who fails to notify immediately such agency of such discharge shall, upon conviction, be fined not more than $5,000, or imprisoned for not more than one year, or both. Notification received pur-

suant to this subsection shall not be used by the United States Government to enforce the provisions of any other Federal law or to provide any information obtained from such notice to any State for the purpose of any criminal prosecution.

"(d)(1) Within one hundred and eighty days after the effective date of this section, the President shall, consistent with maritime safety, marine and navigation laws, and applicable water quality standards, issue regulations (A) relative to the procedures, methods, and equipment for preventing discharges of oil, (B) establishing criteria relating to the procedures, methods, means, and equipment used in the removal of discharged oil, and (C) establishing criteria for the development and implementation of oil removal contingency plans. The regulations shall also provide procedures for the review and approval of such plans, where appropriate.

"(2) Any owner or operator of a vessel, onshore or offshore facility, or onshore or offshore drilling-production facility who fails or refuses to comply with the provisions of any regulation issued under paragraph (1) of this subsection, shall be subject to an in rem civil penalty of not more than $1,000 for each such failure or refusal. No penalty shall be assessed until such owner or operator has been given notice and an opportunity for a hearing on such charge. Any

such penalty also may be compromised. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity and nature of the violation, the history of previous violations, and the demonstrated good faith of the owner or operator charged in attempting to achieve rapid compliance, after notification of an offense, shall be taken into consideration.

"(e) Whenever any oil is discharged in violation of subsection (b) of this section, unless removal is immediately undertaken by the owner or operator of the vessel, onshore or offshore facility, or onshore or offshore drilling-production facility from which the discharge occurs pursuant to the regulations promulgated under subsection (d) of this section, the President shall remove or arrange for the removal thereof. Nothing in this subsection shall be construed to restrict the authority of the President to act to remove or arrange for the removal of such oil at any time.

"(f)(1) Except where an owner or operator can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act of a third party, such owner or operator of any vessel from which oil is discharged, or which causes the discharge of oil, into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone shall, notwithstanding any other

provision of law, be liable to the United States Government for the actual costs incurred under subsection (e) for the removal of such oil by the United States Government in an amount not to exceed $125 per gross ton of such vessel or $14 million, whichever is lesser, except that where such discharge was the result of negligence or a willful act, such owner or operator shall be liable to the United States Government for the full amount of such costs.

"(2)(A) Each owner or operator of a vessel over three hundred gross tons, including any barge of equivalent size, using any port or place in the United States or the navigable waters of the United States, shall establish and maintain, under regulations prescribed by the designated Federal agency, evidence of financial responsibility of $100 per gross ton of the liability to which the vessel could be subjected under paragraph (1) of this subsection. Financial responsibility may be established and maintained by any one of, or a combination of, the following methods acceptable to the designated Federal agency: (i) evidence of insurance, (ii) surety bonds, (iii) qualification as a self-insurer, or (iv) other evidence of financial responsibility satisfactory to the designated Federal agency.

"(B) If a bond is filed with the designated Federal agency, then such bond shall be issued by a bonding company authorized to do business in the United States.

"(C) Any claim for costs incurred by such vessel may be brought directly against the insurer or any other person providing evidence of financial responsibility as required under this subsection.

"(g) Each owner or operator of a vessel subject to the provisions of this subsection shall designate a person in the United States as his legal agent for service of process under this section.

"(h) The Secretary of the Treasury shall, upon request of the delegate of the President, withhold, at the port or place of departure from the United States, the clearance of a vessel, other than a public vessel, required by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C. 91), which (1) is liable to the United States Government for any costs or penalties under subsection (b) or (f) of this section until such costs or penalties are paid or until a bond or other satisfactory surety is posted, or (2) has failed to meet the requirements of subsection (f)(2) of this section.

"(i)(1) Except where an owner or operator can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act of a third party, the owner or operator of any onshore or offshore facility from which oil is discharged into or upon the navigable waters of the United

States or adjoining shorelines shall be liable to the United States Government for the actual costs incurred for the removal of such oil by the United States Government in an amount not to exceed $125 per ton of oil which such facility is capable of (i) processing, (ii) transporting, (iii) transferring, in any twenty-four hour period, or (iv) storing in the largest unit of such facility, whichever is greater, except where the discharge was the result of negligence or a willful act, the owner or operator shall be liable to the United States Government for the full amount of such costs.

"(2) Except where an owner or operator can prove that a discharge was caused soley by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act of a third party, the owner or operator of an onshore or offshore drilling-production facility from which oil is discharged, or which causes the discharge of oil, into or upon the navigable waters of the United States or adjoining shorelines shall be liable to the United States Government for the actual costs incurred in the removal of such oil by the United States Government in an amount not to exceed $8,000,000 except, where the discharge was the result of negligence or a willful act, the owner or operator shall be liable to the United States Government for the full amount of such costs.

"(j)(1) In any case where an owner or operator removes oil discharged from a vessel into or upon the navigable waters of the United States or adjoining shorelines or the waters of the continguous zone or removes oil discharged into or upon the navigable waters of the United States or adjoining shorelines from an onshore or offshore facility or an onshore or offshore drilling-production facility, such owner or operator shall be entitled to recover the reasonable costs incurred in such removal upon establishing, in a suit which may be brought against the United States Government in the United States Court of Claims, that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States, or (D) an act of a third party.

"(2) In any case where recovery of costs is obtained by an owner or operator pursuant to this subsection and the discharge involved was caused by an act of a third party, the United States Government shall be subrogated to any rights such owner or operator may have against such third party due to causing such discharge.

"(3) The provisions of this subsection shall not apply in any case where liability is established pursuant to the Outer Continental Shelf Lands Act.

"(4) Any amount paid in accordance with a judgment of the Untied States Court of Claims pursuant to this

section shall be paid from the fund established pursuant to subsection (k).

"(k)(1) The President is authorized to delegate the responsibility of administering the provisions of this section to one or more appropriate Federal agencies. Any moneys in the fund established by this subsection shall be available to such Federal agencies to carry out the provisions of subsections (e) and (j) of this section. Each such agency, in order to avoid duplication of effort, shall, whenever appropriate, utilize the personnel, services, and facilities of other Federal agencies.

"(2) There is hereby authorized to be appropriated to a revolving fund to be established in the Treasury not to exceed $50,000,000. Any funds received by the United States Government under this section shall also be deposited in said fund for such purposes. All sums appropriated to, or deposited in, said fund shall remain available until expended.

"(l) The liability established by this section shall in no way affect any rights which (1) the owner or operator of a vessel, an onshore or offshore facility, or an onshore or offshore drilling-production facility may have against any third party whose acts may in any way have caused or contributed to such discharge, or (2) the United States Government may have against any third party whose actions may in any way have caused or contributed to the discharge of oil.

"(m) Anyone authorized by the President to enforce the provisions of this section may (1) board and inspect any vessel upon the navigable waters of the United States, (2) with or without a warrant arrest any person who violates the provisions of this section or any regulation issued thereunder in his presence or view, and (3) execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(n)(1) Where as determined by the President there is an imminent and substantial threat to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife and public and private shorelines within the United States, because of an actual or threatened discharge of oil into or upon the navigable waters of the United States from a vessel, the delegate of the President shall have the right to take immediate possession of such vessel so far as to remove it or take such other action as may be appropriate to eliminate or mitigate such threat, and to prevent any unnecessary injury, and no one shall interfere with or prevent such removal or other action, except that the head of the agency charged with removal or other action under this subsection may, in his discretion, give notice in writing to the owner or operator of any such vessel requiring them to act. Any expense incurred under this subsection shall be a cost

incurred by the United States Government for the purposes of subsection (f) in the removal of oil.

"(2) In addition to any other action taken by a State or local government, when the President determines there is an imminent and substantial threat to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife and public and private shorelines within the United States, because of an actual or threatened discharge of oil into or upon the navigable waters of the United States from an onshore or offshore drilling-production facility or an onshore or offshore facility, the President may require the United States attorney of the district in which the threat occurs to secure such relief as may be necessary to abate such threat.

"(o) The several district courts of the United States are invested with jurisdiction for any actions, other than actions pursuant to subsection (j)(1), arising under this section. In the case of Guam, such actions may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District

of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone, such actions may be brought in the United States District Court for the District of the Canal Zone.

"(p) Nothing in this section shall be construed as affecting or modifying any other existing authority of any Federal agency relative to onshore or offshore facilities or onshore or offshore drilling-production facilities under this Act or any other provision of law or to affect or modify any State or local law not in conflict with the provisions of this section.

"(q) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel, onshore or offshore facility to any person or agency under any provision of law for damages to any publicly- or privately-owned property resulting from a discharge of any oil or from the removal of any such oil.

"CONTROL OF HAZARDOUS POLLUTING SUBSTANCES

"SEC. 13. (a) The President shall, in accordance with the procedures set forth in this section, develop, promulgate, and revise as may be appropriate, regulations (1) designating as hazardous substances, other than oil as defined in section 12 of this Act, such elements and compounds which, when discharged in any quantity into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone, present an imminent and sub-

stantial danger to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, shorelines, and beaches; and (2) establishing, if appropriate, criteria for the removal of such substances, including criteria relative to the methods and means of removal.

"(b) In the development of such regulations, the President or his delegate shall consult with other interested Federal agencies, representatives of State agencies, and other interested persons and organizations. Consideration shall be given to the latest available scientific data in the field, the technical feasibility of the regulations, and experience gained under this Act.

"(c) The President shall from time to time publish any such proposed regulations in the Federal Register and shall afford interested persons a period of not less than thirty days after publication to submit written data or comments. Except as provided in subsection (d) of this section, the President may, upon the expiration of such period and after consideration of all relevant matter presented, promulgate such regulations with such modifications as he may deem appropriate.

"(d) On or before the last day of any period fixed for the submission of written data or comments under subsection (c), any interested person may file with the President written objections to a proposed regulation, stating the grounds

therefor and requesting a public hearing. As soon as practicable after the period for filing such objections has expired, the President shall publish in the Federal Register a notice specifying the proposed regulations to which objections have been filed and a hearing requested, and shall promptly hold a public hearing for the purpose of receiving relevant evidence. After completion of the hearing, the President shall make findings of fact on such objections, and the President may promulgate the regulations with such modifications as he deems appropriate, or take such other action as he deems appropriate. All such findings shall be made public.

"(e) Any aggrieved person may, within sixty days after promulgation in the Federal Register of any regulation for which a hearing was held under subsection (d), file with the United States Court of Appeals for the District of Columbia a petition praying that such regulation be modified or set aside in whole or in part. A copy of the petition shall forthwith be sent by registered or certified mail to the President, and thereupon the President shall certify and file in such court the record upon which the President made his decision, as provided in section 2112, title 28, United States Code. The court shall hear such appeal on the record made before the President. The findings of the President, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may affirm, vacate, or

remand the proceedings to the President for such further action as it directs. The review provided by this subsection shall be the exclusive review available to such person of any such regulation and such regulation shall not be the subject of any review during any procedure leading to the enforcement of such regulation. The filing of a petition under this subsection shall not stay the application of the regulation complained of, unless the court so orders, upon finding that there is a substantial likelihood that the President's findings are erroneous, and that irreparable injury will result without such a stay.

"(f) Any regulation promulgated under this section shall be effective upon publication in the Federal Register unless the President specifies a later date.

"(g) In order to facilitate the removal, if appropriate, of any hazardous substance any person in charge of a vessel or of an onshore or offshore facility of any kind shall, as soon as he has knowledge of any discharge of such substance from such vessel or facility, immediately notify the appropriate agency of the United States of such discharge. Any such person who knowingly fails to notify immediately such agency of such discharge shall, upon conviction, be fined not more than $5,000, or imprisoned for not more than one year or both. Notification received pursuant to this section shall not be used by the United States Government to enforce the

provisions of any other Federal law or to provide any information obtained from such notice to any State for the purpose of any criminal prosecution.

"(h) Whenever any hazardous substance is discharged into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone, unless removal is immediately undertaken by the owner or operator of the vessel or onshore or offshore facility from which the discharge occurs or which caused the discharge, pursuant to the regulations promulgated under this section, the President, if appropriate, shall remove or arrange for the removal thereof in accordance with such regulations. Nothing in this subsection shall be construed to restrict the authority of the President to act to remove or arrange for the removal of such hazardous substance at any time.

"(i) Any owner or operator of a vessel or onshore or offshore facility who fails or refuses to comply with the provisions of any regulations promulgated under this section shall be subject to an in rem civil penalty of not more than $5,000 for each such failure or refusal. No penalty shall be assessed until such owner or operator has been given notice and an opportunity for a hearing on such charge. Any such penalty also may be compromised. In determining the amount of the penalty, or amount agreed upon in compromise, the gravity and nature of the violation, the demonstrated good

faith of the owner or operator charged in attempting to achieve rapid compliance after notification of a violation, and the history of previous violations shall be considered.

"(j) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel, onshore or offshore facility to any person or agency under any provision of law for damages to any publicly- or privately-owned property resulting from a discharge of any hazardous substance or from the removal of any such substance.

"(k) Anyone authorized by the President to enforce the provisions of this section may (1) board and inspect any vessel upon the navigable waters of the United States, (2) with or without a warrant arrest any person who violates the provisions of this section or any regulation issued thereunder in his presence or view, and (3) execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(l) The several district courts of the United States are invested with jurisdiction for any actions arising under this section. In the case of Guam, such actions may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the

District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone such actions may be brought in the United States District Court for the District of the Canal Zone.

"(m)(1) For the purpose of this section the definitions in subsection (a) of section 12 of this Act shall be applicable to the provisions of this section, except as provided in paragraph (2) of this subsection:

"(2) For the purpose of this section, the term—

"(A) 'remove' or 'removal' includes removal of the hazardous substances from the water and shorelines and the taking of actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private shorelines;

"(B) 'owner or operator' means, as the context requires, any person owning, operating, chartering by demise, or otherwise controlling the operations of, a vessel, or any person owning, operating, or otherwise controlling the operations of an onshore or offshore facility; and

"(C) 'offshore or onshore facility' means any facility of any kind and related appurtenances thereto which is located in, on, or under the surface of any land, or permanently or temporarily affixed to any land, includ-

ing lands beneath the navigable waters of the United States and which is used or capable of use for the purpose of processing, transporting, producing, storing, or transferring for commercial purposes and hazardous substance designated under this section.

"(n) The President shall submit a report to the Congress, together with his recommendations, not later than November 1, 1970, on the need for, and desirability of, enacting legislation to impose liability for the cost of removal of hazardous substances discharged from vessels and onshore and offshore facilities subject to this section. In preparing this report, the President shall conduct an accelerated study which shall include, but not be limited to, the method and measures for controlling hazardous substances to prevent this discharge, the most appropriate measures for enforcement and recovery of costs incurred by the United States if removal is undertaken by the United States, and methods of imposing civil or criminal sanctions where removal is impossible or impractical. In carrying out this study, the President shall consult with the interested representatives of the various public and private interest groups that would be affected by such legislation as well as other interested persons.

"(o) The President is authorized to delegate the responsibility of administering the provisions of this section to one

or more appropriate Federal agencies. Any moneys in the fund established by section 12 of this Act shall be available to such Federal agencies to carry out the purposes of this section. Each such agency, in order to avoid duplication of effort, shall, whenever appropriate, utilize the personnel, services, and facilities of other Federal agencies.

"AREA ACID AND OTHER MINE WATER POLLUTION CONTROL DEMONSTRATIONS

"SEC. 14. (a) The Secretary in cooperation with other Federal agencies is authorized to enter into agreements with any State or interstate agency to carry out one or more projects to demonstrate methods for the elimination or control, within all or part of a watershed, of acid or other mine water pollution resulting from active or abandoned mines. Such projects shall demonstrate the engineering and economic feasibility and practicality of various abatement techniques which will contribute substantially to effective and practical methods of acid or other mine water pollution elimination or control.

"(b) The Secretary, in selecting watersheds for the purposes of this section, shall (1) require such feasibility studies as he deems appropriate, (2) give preference to areas which have the greatest present or potential value for public use for recreation, fish and wildlife, water supply, and other

public uses, and (3) be satisfied that the project area will not be affected adversely by the influx of acid or other mine water pollution from nearby sources.

"(c) Federal participation in such projects shall be subject to the conditions—

"(1) that the State or interstate agency shall pay not less than 25 per centum of the actual project costs which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, or personal property or services, the value of which shall be determined by the Secretary; and

"(2) that the State or interstate agency shall provide legal and practical protection to the project area to insure against any activities which will cause future acid or other mine water pollution.

"(d) There is authorized to be appropriated $15,000,000 to carry out the provisions of this section, which sum shall be available until expended. No more than 25 per centum of the total funds available under this section in any one year shall be granted to any one State.

"POLLUTION CONTROL IN GREAT LAKES

"SEC. 15. (a) The Secretary, in cooperation with other Federal agencies, is authorized to enter into agreements with any State, political subdivision, interstate agency, or

other public agency, or combination thereof, to carry out one or more projects to demonstrate new methods and techniques and to develop preliminary plans for the elimination or control of pollution, within all or any part of the watersheds of the Great Lakes. Such projects shall demonstrate the engineering and econominc feasibility and practicality of removal of pollutants and prevention of any polluting matter from entering into the Great Lakes in the future and other abatement and remedial techniques which will contribute substantially to effective and practical methods of water pollution elmination or control.

"(b) Federal participation in such projects shall be subject to the condition that the State, political subdivision, interstate agency, or other public agency, or combination thereof, shall pay not less than 25 per centum of the actual project costs which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, personal property or services, the value of which shall be determined by the Secretary.

"(c) There is authorized to be appropriated $20,000,000 to carry out the provisions of this section, which sum shall be available until expended."

SEC. 103. (a) Redesignated section 16 of the Federal Water Pollution Control Act, as amended, is amended to read as follows:

"Cooperation by All Federal Agencies in the Control of Pollution

"Sec. 16. (a)(1) Each Federal agency having jurisdiction over any real property, facility or activity of any kind, shall, consistent with an approved plan for implementation, insure compliance with applicable water quality standards and the purposes of this Act in the administration of such property, facility, or activity. In his summary of any conference pursuant to section 10(d)(4) of this Act, the Secretary shall include references to any discharges allegedly contributing to pollution from any such Federal property, facility, or activity, and shall transmit a copy of such summary to the head of the Federal agency having jurisdiction of such property, facility, or activity. Notice of any hearing pursuant to section 10(f) of this Act involving any pollution alleged to be effected by any such discharges shall also be given to the Federal agency having jurisdiction over the property, facility, or activity involved, and the findings and recommendations of the hearing board conducting such hearing shall include references to any such discharges which are contributing to the pollution found by such board.

"(2) There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

"(b) Each Federal agency which leases any Federal

property or facility of any kind or which contracts for the operation of any Federal property or facility or which contracts for the entire operation of any other facility, shall insure compliance with applicable water quality standards and the purposes of this Act in the administration of such lease or contract. Any certification obtained for a Federal license or permit pursuant to subsection (c) shall be evidence of compliance with water quality standards for the purposes of this subsection.

"(c)(1) Any applicant for a Federal license or permit to construct or operate any facility or to conduct any activity which may result in any discharge into the navigable waters of the United States shall provide certification from the State in which the discharge originates or, if appropriate, the interstate water pollution control agency to the licensing or permitting agency and notice thereof to the Secretary that there is reasonable assurance that such facility or activity will comply with applicable water quality standards, except that in any case where standards for interstate water have not been approved or where such standards have been promulgated by the Secretary pursuant to section 10(c) of this Act, such certification shall be obtained from the Secretary. Such State or if appropriate interstate agency or the Secretary shall, within one year of receipt of any application for such certification, notify the applicant of such certification or of intent

not to certify. Whenever such discharge may affect, as determined by the Secretary, the applicable water quality standards of any other State or States, the Secretary, within sixty days of the date of notice of application for a Federal license or permit shall notify such other State or States. If, within thirty days after receipt of such notification, such other State or States determine that such discharge will adversely affect their water quality standards, the Secretary, within thirty days after the State or States make such determination, shall review such determination and, if he finds that such discharge will adversely affect the water quality standards of such State or States, shall require before such license or permit is issued such conditions as may be necessary to insure compliance with applicable water quality standards. No license or permit shall be granted without such certification and such conditions as the State or, as appropriate, the interstate agency or, as appropriate, the Secretary may reasonably require, including, but not limited to, provision for suspension or termination of any issued license or permit for failure to be in compliance with applicable water quality standards. In any case where such conditions required by the Secretary are more stringent than, or in conflict with conditions required by the certifying State or, if appropriate, interstate agency, the licensing or permitting agency, upon request of the applicant for a license or permit, shall hold a hearing

and make findings of fact on the conditions to be included in any license or permit, except that no such findings shall be adopted that are less stringent than the conditions required by the certifying State. The licensee or permittee shall provide the certifying State or, if appropriate, the interstate agency, or the Secretary, with notification of any changes in the proposed facility or activity which may affect applicable water quality standards.

"(2) The certification obtained pursuant to paragraph (1) of this subsection shall fulfill the requirements of this subsection with respect to any other Federal license or permit required for such facility or activity, unless, after notice of application for such other Federal license or permit has been given by such Federal agency, the State or, if appropriate, the interstate agency or the Secretary, notifies within sixty days after receipt of such notice such Federal agency of a change since providing such certification in (A) the nature of the activity, (B) the design of the facility, (C) the natural characteristics of the waters into which such discharge is made, or (D) the water quality standards applicable to such waters, and that, due to such change, there is no longer reasonable assurance that there will be compliance with applicable water quality standards.

"(3) Prior to the operation of any federally licensed or permitted facility or activity, not subject to a Federal oper-

ating license or permit, the licensee or permittee shall provide an opportunity for such certifying State and, if appropriate, the interstate agency or the Secretary to review the manner in which the facility or activity shall be operated or conducted for the purposes of assuring compliance with applicable water quality standards. Upon notification by the certifying State or, if appropriate, the interstate agency or the Secretary that the operation of any federally licensed or permitted facility or activity will not comply with applicable water quality standards, such Federal agency shall suspend such license or permit until notification is received that there is reasonable assurance that such facility or activity will comply with applicable water quality standards.

"(4) Upon notification by the Governor of the certifying State, or, as appropriate, the interstate agency or the Secretary, that any such federally licensed or permitted facility or activity has been found by a court of competent jurisdiction, pursuant to applicable State or Federal law, to be in violation of the applicable water quality standards such license or permit may be suspended or terminated as the circumstances require.

"(5) No Federal agency shall be deemed to be an applicant for the purposes of this subsection.

"(6) In any case where actual construction of a facility

for the conduct of any activity has been commenced pursuant to a Federal license or permit prior to the date of enactment of the Water Quality Improvement Act of 1969, no certification under this subsection shall be required for any Federal operating license or permit respecting that activity issued within two years following such date: Provided, That any operating license or permit issued during the two-year period following such date of enactment without such certification shall terminate at the end of that period unless prior to such date the licensee or permittee submits to the Federal agency that issued such license or permit a certification which otherwise meets the requirements of paragraph (1) of this subsection.

"(7) Except as provided in paragraph (6), any application for a license or permit that is (a) pending on the date of enactment of the Water Quality Improvement Act of 1969 and (b) that is issued within one year following the date of enactment shall not require certification pursuant to this subsection for one year following the issuance of such license or permit: Provided, That any such license or permit issued shall terminate at the end of one year unless prior to that time the licensee or permittee submits to the Federal agency that issued such license or permit a certification which otherwise meets the requirements of this subsection.

"(8)(A) In the case of any activity which will affect

water quality but for which there are no applicable water quality standards, no certification shall be required under this subsection, except that the licensing or permitting agency shall impose, as a condition of any license or permit, a requirement that the licensee or permittee shall comply with the purposes of this Act.

"(B) Upon notice from the State in which the discharge originates or, as appropriate, the interstate agency or the Secretary, that such licensee or permittee has been notified of the adoption of water quality standards applicable to such activity and has failed, after reasonable notice, of not less than six months, to comply with such standards, the license or permit shall be suspended until notification is received from such State or interstate agency or the Secretary that there is reasonable assurance that such activity will comply with applicable water quality standards.

"(d) Nothing in this section shall be construed to limit the authority of any department or agency pursuant to any other provision of law to require compliance with applicable water quality standards. The Secretary shall, upon the request of any Federal department or agency, or State or interstate agency, or applicant, provide, for the purpose of this section, any relevant information on applicable water quality standards, and shall, when requested by any such department

or agency or State or interstate agency, or applicant, comment on any methods to comply with such standards.

"(e) In order to implement the provisions of this section, the Secretary of the Army, acting through the Chief of Engineers, is authorized, if he deems it to be in the public interest, to permit the use of spoil disposal areas under his jurisdiction by Federal licensees or permittees, and to make an appropriate charge for such use. Moneys received from such licensees or permittees shall be deposited in the Treasury as miscellaneous receipts."

SEC. 104. Section 5 of the Federal Water Pollution Control Act, as amended, is amended as follows:

(1) by amending paragraph (2) of subsection (a) to read as follows:

"(2) make grants-in-aid to public or private agencies and institutions and to individuals for research and demonstrations, and provide for the conduct of research and demonstrations by contract with public or private agencies and institutions and with individuals without regard to section 3648 and 3709 of the Revised Statutes; and";

(2) by changing the semicolon at the end of paragraph (3) of subsection (a) to a period and striking paragraphs (4) and (5);

(3) by striking out subsection (g) and inserting

the provisions of such subsection in section 21 in lieu of the provisions in subsection (b) thereof, except that in paragraph (4) of such inserted provisions, strike out "and June 30, 1969" and insert in lieu thereof "June 30, 1969, and June 30, 1970";

(4) by redesignating subsection (h) as subsection (k), and by adding the following new subsections after subsection (f):

"(g)(1) For the purpose of providing an adequate supply of trained personnel to operate and maintain existing and future treatment works and related activities, and for the purpose of enhancing substantially the proficiency of those engaged in such activities, the Secretary shall finance a pilot program, in cooperation with State and interstate agencies, municipalities, educational institutions, and other organizations and individuals, of manpower development and training and retraining of persons in, or entering into, the field of operation and maintenance of treatment works and related activities. Such program and any funds expended for such a program shall supplement, not supplant, other manpower and training programs and funds available for the purposes of this paragraph. The Secretary is authorized, under such terms and conditions as he deems appropriate, to enter into agreements with one or more States, acting jointly or severally, or with other public or private agencies or insti-

tutions for the development and implementation of such a program.

"(2) The Secretary is authorized to enter into agreements with public and private agencies and institutions, and individuals to develop and maintain an effective system for forecasting the supply of, and demand for, various professional and other occupational categories needed for the prevention, control, and abatement of water pollution in each region, State, or area of the United States and, from time to time, to publish the results of such forecasts.

"(3) In furtherance of the purposes of this Act, the Secretary is authorized to—

"(A) make grants to public or private agencies and institutions and to individuals for training projects, and provide for the conduct of training by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes;

"(B) establish and maintain research fellowships in the Department of the Interior with such stipends and allowances, including traveling and subsistence expenses, as he may deem necessary to procure the assistance of the most promising research fellowships; and

"(C) provide, in addition to the program established

under paragraph (1) of this subsection, training in technical matters relating to the causes, prevention, and control of water pollution for personnel of public agencies and other persons with suitable qualifications.

"(4) The Secretary shall submit, through the President, a report to the Congress by September 30, 1970, summarizing the actions taken under this subsection and the effectiveness of such actions, and setting forth the number of persons trained, the occupational categories for which training was provided, the effectiveness of other Federal, State, and local training programs in this field, together with estimates of future needs, recommendations on improving training programs, and such other information and recommendations, including legislative recommendations, as he deems appropriate.

"(h) The Secretary is authorized to enter into contracts with, or make grants to, public or private agencies and organizations and individuals for (A) the purpose of developing and demonstrating new or improved methods for the prevention, removal, and control of natural or manmade pollution in lakes, including the undesirable effects of nutrients and vegetation, and (B) the construction of publicly owned research facilities for such purpose.

"(i) The Secretary shall engage in such research, studies, experiments, and demonstrations as he deems appropriate relative to the removal of oil from any waters and to the prevention and control of oil pollution, and shall publish from time to time the results of such activities. In carrying out this subsection, the Secretary may enter into contracts with, or make grants to, public or private agencies and organizations and individuals.

"(j) In carrying out the provisions of this section relating to the conduct by the Secretary of demonstration projects and the development of field laboratories and research facilities, the Secretary may acquire land and interests therein by purchase, with appropriated or donated funds, by donation, or by exchange for acquired or public lands under his jurisdiction which he classifies as suitable for disposition. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require."; and

(5) by amending the first sentence of redesignated subsection (k) to read as follows: "There is authorized to be appropriated to carry out this section, other than subsection (g) (1) and (2), not to exceed $65,000,000

annually for the fiscal years ending June 30, 1969, June 30, 1970, and June 30, 1971. There is authorized to be appropriated to carry out subsection (g)(1) of this section $5,000,000 for the fiscal year ending June 30, 1970, and $7,500,000 for the fiscal year ending June 30, 1971. There is authorized to be appropriated to carry out subsection (g)(2) of this section $2,500,000 annually for the fiscal years ending June 30, 1970, and June 30, 1971.".

SEC. 105. Section 6 of the Federal Water Pollution Control Act, as amended, is amended—

(1) by changing in subsection (e)(1) the word "three" to "five"; and

(2) by changing in subsection (e) (2) and (3) the word "two" to "four".

SEC. 106. Redesignated section 19 of the Federal Water Pollution Control Act, as amended, is amended by deleting the following: "the Oil Pollution Act, 1924, or".

SEC. 107. Section 10 of the Federal Water Pollution Control Act, as amended, is amended by adding in subsection (c)(3) the word "navigation," immediately following "industrial," in the second sentence.

SEC. 108. The Oil Pollution Act, 1924 (43 Stat. 604), as amended (80 Stat. 1246–1252), is hereby repealed.

TITLE II—ENVIRONMENTAL QUALITY

SEC. 201. This title may be cited as the "Environmental Quality Improvement Act of 1969".

FINDINGS, DECLARATIONS, AND PURPOSES

SEC. 202. (a) The Congress finds—

(1) that in the pursuit of social and economic advancement man has caused changes in the environment;

(2) that the degree of such changes endangers a harmonious relationship between man and his environment;

(3) that population increases and urban concentration contribute directly to pollution and the degradation of our environment, increasing the severity of the physical, social, psychological, and economic problems of our society; and

(4) that changes in the environment should be restricted, insofar as possible, to avoid adverse effects on man, other species and the environment itself.

(b) The Congress declares—

(1) that there is a national policy for the environment which provides for the enhancement of environmental quality, which is enunciated in the—

(A) Federal Water Pollution Control Act;

(B) Clean Air Act;

(C) Solid Waste Disposal Act;

(D) title 23 of the United States Code, relating to highways;

(E) omnibus Rivers and Harbor and Flood Control Acts;

(F) Appalachian Regional Development Act of 1965;

(G) Public Works and Economic Development Act of 1965; and

(H) Tennessee Valley Authority Act of 1933;

(2) that the primary responsibility for implementing this policy rests with State and local governments;

(3) that the Federal Government shall encourage and support implementation of this policy through appropriate regional organizations; and

(4) that Federal and federally assisted public works programs and projects shall, in all instances, be developed and implemented in a manner consistent with the enhancement of environmental quality.

(c) The purposes of this title are—

(1) to provide for the development of criteria and standards to assure the protection and enhancement of environmental quality in all Federal and federally assisted projects and programs; and

(2) to authorize and to provide staff for an Office of Environmental Quality.

FEDERAL PUBLIC WORKS ACTIVITIES

SEC. 203. Each Federal department or agency conducting or supporting public works activities which affect the environment shall implement the policies established by the President pursuant to this title.

OFFICE OF ENVIRONMENTAL QUALITY

SEC. 204. (a) There is established in the Executive Office of the President an office to be known as the Office of Environmental Quality (herein referred to as the "Office"). There shall be in the Office a Director and a Deputy Director who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) The compensation of the Director and the Deputy Director shall be fixed by the President at a rate not in excess of the annual rate of compensation payable to the Director and the Deputy Director of the Bureau of the Budget.

(c) The Director is authorized to employ such officers and employees as may be necessary to enable the Office to carry out its functions under this title.

(d) In carrying out the provisions of this section the Director shall—

(1) assist and advise the President on policies and pro-

grams of the Federal Government affecting environmental quality;

(2) provide staff and support for any cabinet level council or committee established by the President to coordinate Federal activities which affect the environment;

(3) review and appraise existing and proposed projects, facilities, programs, policies, and activities of the Federal Government which affect environmental quality and make recommendations thereon;

(4) review the adequacy of existing systems for monitoring and predicting environmental changes in order to achieve effective coverage and efficient use of research facilities and other resources;

(5) promote advancement of scientific knowledge of the effects of actions and technology on the environment and encourage the development of the means to prevent or reduce adverse effects that endanger the health and well-being of man;

(6) develop proposed policies and programs to protect and enhance environmental quality;

(7) recommend priorities with respect to problems involving environmental quality;

(8) assure evaluation of new and changing technologies

for their potential effects on the environment prior to their implementation;

(9) review and comment on the coordination of the programs and activities of Federal departments and agencies which affect, protect, and improve environmental quality;

(10) review and comment on the development and interrelationship of environmental quality criteria and standards established through the Federal Government; and

(11) consult with and advise representatives of State and local governments and assist the President in efforts to achieve environmental quality in the community of nations.

(e) In carrying out the provisions of this section, the Director is authorized to contract with public or private agencies, institutions, and organizations, and with individuals, without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5) for research and surveys regarding any potential or existing problem of environmental quality.

(f) In carrying out the provisions of this title the Director shall—

(1) not later than six months after the effective date of this Act and not later than January 10 of each calendar year beginning after such date, report to the Congress on measures taken toward implementing the purpose and intent of this title;

(2) collect, collate, analyze, and interpret data and information on environmental quality and issue reports thereon, as he deems appropriate; and

(3) organize and convene a biennial forum on current problems and issues concerning environmental quality, population, and the future, and publish the proceedings thereof, and participants in such forums shall be selected from among representatives of various State, interstate, and local government agencies, of public or private interests concerned with population growth, environmental quality, and planning for the future, and of other public and private agencies demonstrating an active interest, as well as other individuals in the fields of population, biology, psychology, medical sciences, social sciences, ecology, agriculture, economics, law, engineering, and political science who have demonstrated competence with regard to problems of the environment.

ADVISORY COMMITTEES

SEC. 205. (a) In order to obtain assistance and independent advice in the development and implementation of the purposes of this title, the Director of the Office of Environmental Quality shall from time to time establish advisory committees. Committee members shall be selected from among representatives of various State, interstate, and local government agencies, of public or private interests concerned with

population growth, environmental quality, and planning for the future, and of the other public and private agencies demonstrating an active interest, as well as other individuals in the fields of population, biology, medical sciences, psychology, social sciences, ecology, agriculture, economics, law, engineering, and political science who have demonstrated competence with regard to problems of the environment.

(b) The members of the advisory committees appointed pursuant to this title shall be entitled to receive compensation at a rate to be fixed by the Director, but not exceeding $100 per diem, including traveltime, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

AUTHORIZATION

SEC. 206. There are hereby authorized to be appropriated for the fiscal year beginning July 1, 1969, and for each of five succeeding fiscal years, such amounts as may be necessary for the purposes of this title.

TITLE III—PROPERTY ACQUISITION

SEC. 301. (a)(1) The Architect of the Capitol, under the direction of the Senate Office Building Commission, is hereby authorized to acquire on behalf of the United States,

in addition to the real property heretofore acquired as a site for an additional office building for the United States Senate under the provisions of the Second Deficiency Appropriation Act, 1948, approved June 25, 1948 (62 Stat. 1028) and Public Law 85–591, approved August 6, 1958 (72 Stat. 495–496), by purchase, condemnation, transfer, or otherwise, for purposes of extension of such site, all publicly, or privately owned property contained in lots 863, 864, 892, 893, 894, and 905 in said square 725 in the District of Columbia, and all alleys or parts of alleys and streets contained within the curblines surrounding such square, as such square appears on the records in the Office of the Surveyor of the District of Columbia as of the date of enactment of this Act.

(2) Any proceeding for condemnation brought under paragraph (1) shall be conducted in accordance with the Act of December 23, 1963 (16 D.C. Code, secs. 1351–1368).

(3) Notwithstanding any other provision of law, any real property owned by the United States and any alleys or parts of alleys and streets contained within the curblines surrounding square 725 shall, upon request of the Architect of the Capitol, made with the approval of the Senate Office Building Commission, be transferred to the jurisdiction and control of the Architect of the Capitol, and any alleys or

parts of alleys or streets contained within the curblines of said square shall be closed and vacated by the Commissioner of the District of Columbia in accordance with any request therefor made by the Architect of the Capitol with the approval of such Commission.

(4) Upon acquisition of any real property pursuant to this section, the Architect of the Capitol, when directed by the Senate Office Building Commission to so act, is authorized to provide for the demolition and/or removal of any buildings or other structures on, or constituting a part of, such property and, pending demolition, to use the property for Government purposes or to lease any or all of such property for such periods and under such terms and conditions as he may deem most advantageous to the United States and to incur any necessary expenses in connection therewith.

(5) The jurisdiction of the Capitol Police shall extend over any real property acquired under this section and such property shall become a part of the United States Capitol Grounds.

(b) For carrying out the purposes of this section, there is hereby authorized to be appropriated $1,250,000. The Architect of the Capitol, under the direction of the Senate Office Building Commission, is authorized to enter into con-

tracts and to make such expenditures, including expenditures for personal and other services, as may be necessary to carry out the purposes of this section.

Amend the title so as to read: "A bill to amend the Federal Water Pollution Control Act, to establish an Office of Environmental Quality, to provide for certain property acquisition, and for other purposes."

Calendar No. 346

91ST CONGRESS
1ST SESSION

S. 7

[Report No. 91–351]

A BILL

To amend the Federal Water Pollution Control Act, as amended, and for other purposes.

By Mr. MUSKIE, Mr. BAKER, Mr. BOGGS, Mr. BURDICK, Mr. BYRD of West Virginia, Mr. CASE, Mr. COOPER, Mr. DODD, Mr. ERVIN, Mr. FONG, Mr. HART, Mr. INOUYE, Mr. KENNEDY, Mr. MAGNUSON, Mr. MANSFIELD, Mr. METCALF, Mr. MONDALE, Mr. MONTOYA, Mr. MOSS, Mr. MURPHY, Mr. NELSON, Mr. PACKWOOD, Mr. PROUTY, Mr. RANDOLPH, Mr. RIBICOFF, Mr. SCOTT, Mr. SPONG, Mr. TYDINGS, Mr. WILLIAMS of New Jersey, Mr. YARBOROUGH, and Mr. YOUNG of Ohio

JANUARY 15 (legislative day, JANUARY 10), 1969
Read twice and referred to the Committee on Public Works

AUGUST 7 (legislative day, AUGUST 5), 1969
Reported with amendments

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY; NOT TO BE QUOTED OR CITED)

Issued Oct. 8, 1969
For actions of Oct. 7, 1969
91st - 1st No. 163

CONTENTS

ng.....3
an air.....17
an water.....15
sumers.....19
nomy.....13
ral-State relations..18
tilizer.....16
cal year.....22
d stamp.....26
Foreign aid.....5
Foreign trade.....7
Insect control.....25
Patents.....21
Personnel.....9
Pesticides.....4,23
Pollution.....1,12
Retirement.....9
Science.....10
Screwworm.....6
Selective service.....11
Small business.....20
Sored horses.....24
Transportation.....14
Watersheds.....2
Wetlands.....8

HLIGHTS: House agreed to Senate amendments to retirement bill. Senate began debate water pollution control bill.

SENATE

POLLUTION. Began debate on S. 7, to amend the Federal Water Pollution Control Act, as amended (pp. S12029-91). The bill was made unfinished business.

WATERSHEDS. Received from the Bureau of the Budget various plans for works of improvement under the Watershed Protection and Flood Prevention Act; to Agriculture and/or Public Works Committees. p. S11982

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C. 20250
OFFICIAL BUSINESS

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U.S. DEPARTMENT OF AGRICULTUR

3. AGING. Sen. Muskie discussed and inserted an article, "Economics of Aging: The Widening Gap." pp. S12004-5

4. PESTICIDES. Sen. Nelson inserted a magazine article "Our Point of View, DDT Threatens You!" pp. S12006-7

5. FOREIGN AID. Sen. McGee inserted an excerpt from the report of the Commission on International Development which states that "developing countries..... capacity to use outside assistance efficiently" is "met with obstacles that must be overcome by effective integration of aid, trade and investment policies." pp. S12007-8

6. SCREWWORM. Sen. Goldwater commended the Federal Government screwworm eradication program. p. S12009

7. FOREIGN TRADE. Sen. Javits inserted a speech, "Trade: A Vision for the 70's," which discusses where American business stands on trade and development. pp. S12013-5

8. WETLANDS. Sen. Case inserted an article, "Connecticut Schoolgirls Lose Marsh of Their Own, But Gain Enactment of an Ecological Protection Law." pp. S12018-9

HOUSE

9. RETIREMENT; PERSONNEL. Concurred in the Senate amendments to H. R. 9825, the civil service retirement bill. This bill will now be sent to the President. pp. H9162-6

10. NATIONAL SCIENCE FOUNDATION. Passed with amendment S. 1857 (in lieu of H. R. 10878 which had been passed earlier with amendments), the National Science Foundation authorization bill (pp. H9151-62). As passed, the bill was amended t reduce the authorization by $3.3 million and to limit it to 2 years. H. R. 1087 was tabled. The rule under which the bill was considered was adopted earlier (p. H9151).

11. SELECTIVE SERVICE. Rep. Podell criticized the Administration's position on draft reform and troop pullouts, and stated he intends to participate in the national day of protest, October 15. pp. H9176-7

12. POLLUTION. Rep. Rogers criticized the airlines for not utilizing anti-pollution devices now available to them. pp. H9175-6

Rep. Dingell urged the House to provide the $1 billion authorized for fiscal year 1970 under the Clean Water Restoration Act. pp. H9180-9204

Rep. Saylor inserted an article, "Law and the Environment." p. H9205-6

Rep. Saylor inserted a speech outlining the steps necessary to "reverse the trend of environmental retrogression." p. H9206-8

where they're teaching as much prejudice today as the whites have done all the years. You know, 'Love Black. Hate White.' This is definitely increasing and it's frightening."

His fears were echoed by another man, the only white working man interviewed who identified himself with the black cause. He summed up this way:

"The white people definitely are waiting for trouble. They expect it, and they almost welcome it—that's the frightening part. It's a feeling that 'we'll put an end to this once and for all.'

"Take the people right here in this store. Last week, I was in the men's room and I heard them talking about Mayor Barr—how he should keep the black people out. They feel the black man is going to take something from them, and I don't believe this is true. If the black man is assured of his rights, we're all better off. But I have to shut up around here . . . if you're for seeing the colored people get a break, you have to keep it to yourself.

"Probably the reason I feel as strongly as I do is I'm one of 14 children. Dad was a carpenter and no matter how hard he worked, we never had enough and I don't think the average middle-class American has any conception of how the Negro feels when he sees that he has no chance of changing his situation. They just can't realize the feeling. And then you hear a guy right here in the store say he won't give any more money to his church because they gave it to the colored. This is the working people starting to fight back. And that's what's happening.

"So in the end I think the blacks are going to have to pay for all our other problems."

That was a voice of blue-collar moderation, not often heard in this part of America these days.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 210. An act to eliminate requirements for disclosure of construction details on passenger vessels meeting prescribed safety standards, and for other purposes; and

H.R. 12605. An act to amend section 613 of the Merchant Marine Act, 1936, as amended; to the Committee on Commerce.

H.R. 372. An act to modify the reporting requirement and establish additional income exclusions relating to non-service-connected pensions for veterans and their widows, to liberalize the bar to payment of benefits to remarried widows of veterans, and for other purposes;

H.R. 10106. An act to revise the definition of a "child" for purposes of veterans' benefits provided by title 38, United States Code, to recognize an adopted child as a dependent from the date of issuance of an interlocutory decree; and

H.R. 10912. An act to amend title 38, United States Code, to liberalize the conditions under which the Administrator of Veterans' Affairs is required to effect recoupment from disability compensation otherwise payable to certain disabled veterans; to the Committee on Finance.

H.R. 11711. An act to amend section 510 of the International Claims Settlement Act of 1949 to extend the time within which the Foreign Claims Settlement Commission is required to complete its affairs in connection with the settlement of claims against the Government of Cuba; to the Committee on Foreign Relations.

H.R. 5968. An act to amend the Act entitled "An Act to provide for the establishment of the Frederick Douglass home as a part of the park system in the National Capital, and for other purposes", approved September 5, 1962; and

H.J. Res. 224. A joint resolution to change the name of Pleasant Valley Canal, California, to "Coalinga Canal"; to the Committee on Interior and Insular Affairs.

H.R. 13696. An act to amend the Military Personnel and Civilian Employees' Claims Act of 1964, as amended, with respect to the settlement of claims against the United States by civilian officers and employees for damage to, or loss of, personal property incident to their service; to the Committee on the Judiciary.

H.R. 13304. An act to provide for educational assistance for gifted and talented children; and

H.R. 13310. An act to provide for special programs for children with specific learning disabilities; to the Committee on Labor and Public Welfare.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett announced that the House had passed, without amendment, the following bills of the Senate:

S. 1836. An act to amend the Federal Seed Act (53 Stat. 1275), as amended; and

S. 2462. An act to amend the joint resolution establishing the American Revolution Bicentennial Commission.

The message also announced that the House had passed the joint resolution (S.J. Res. 112) to amend section 19(e) of the Securities Exchange Act of 1934, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H.R. 210. An act to eliminate requirements for disclosure of construction details on passenger vessels meeting prescribed safety standards, and for other purposes;

H.R. 372. An act to modify the reporting requirement and establish additional income exclusions relating to non-service-connected pensions for veterans and their widows, to liberalize the bar to payment of benefits to remarried widows of veterans, and for other purposes;

H.R. 5968. An act to amend the Act entitled "An Act to provide for the establishment of the Frederick Douglass home as a part of the park system in the National Capital, and for other purposes", approved September 5, 1962;

H.R. 10106. An act to revise the definition of a "child" for purposes of veterans' benefits provided by title 38, United States Code, to recognize an adopted child as a dependent from the date of issuance of an interlocutory decree;

H.R. 10912. An act to amend title 38, United States Code, to liberalize the conditions under which the Administrator of Veterans' Affairs is required to effect recoupment from disability compensation otherwise payable to certain disabled veterans;

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H.R. 12605. An act to amend section 613 of the Merchant Marine Act, 1936, as amended;

H.R. 13304. An act to provide for educational assistance for gifts and talented children.

H.R. 13310. An act to provide for special programs for children with specific learning disabilities;

H.R. 13696. An act to amend the Military Personnel and Civilian Employees' Claims Act of 1964, as amended, with respect to the settlement of claims against the United States by civilian officers and employees for damage to, or loss of, personal property incident to their service; and

H.J. Res. 224. A joint resolution to change the name of Pleasant Valley Canal, California, to "Coalinga Canal."

WATER QUALITY IMPROVEMENT ACT OF 1969

The PRESIDING OFFICER. Pursuant to the previous order, the Chair lays before the Senate Calendar 346, S. 7, which will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 7) to amend the Federal Water Pollution Control Act, as amended, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the bill.

The Senate proceeded to consider the bill which had been reported from the Committee on Public Works with an amendment to strike out all after the enacting clause and insert:

TITLE I—WATER QUALITY IMPROVEMENT

SECTION 101. This title may be cited as the "Water Quality Improvement Act of 1969".

SEC. 102. Sections 17 and 18 of the Federal Water Pollution Control Act, as amended, are hereby repealed. Section 19 of the Federal Water Pollution Control Act, as amended, is redesignated as section 22. Sections 11 through 16 of the Federal Water Pollution Control Act, as amended, are redesignated as sections 16 through 21. The Federal Water Pollution Control Act, as amended, is further amended by inserting after section 10 five new sections to read as follows:

"CONTROL OF SEWAGE FROM VESSELS

"SEC. 11. (a) For the purpose of this section, the term—

"(1) 'new vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which is initiated after promulgation of standards and regulations under this section;

"(2) 'existing vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which has been initiated before promulgation of standards and regulations under this section;

"(3) 'public vessel' means a vessel owned or bareboat chartered and operated by the United States, by a State or political subdivision thereof, or by a foreign nation, except in any case in which such vessel is engaged in commerce;

"(4) 'United States' includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Canal Zone, and the Trust Territory of the Pacific Islands;

"(5) 'marine sanitation device' means any equipment for installation on board a vessel which is designed to receive, retain, treat, or discharge sewage;

"(6) 'sewage' means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

"(7) 'manufacturer' means any person engaged in the manufacturing, assembling, or importation of marine sanitation devices or of vessels having installed on board such devices; and

"(8) 'person' means an individual, partnership, firm, corporation, or association, but does not include an individual on board a public vessel.

"(b)(1) Not later than two years after the enactment of this section, the Secretary, after consultation with the Secretary of the department in which the Coast Guard is operating, after giving appropriate consideration to the economic costs involved and, within the limits of available technology, shall promulgate Federal standards of performance for marine sanitation devices (hereinafter referred to as 'standards') which shall be designed to prevent the discharge of untreated or inadequately treated sewage into or upon the navigable waters of the United States from new vessels and existing vessels, except vessels not equipped with installed toilet facilities. Such standards shall be consistent with maritime safety and the marine and navigation laws and regulations and shall be coordinated with the regulations issued under this subsection by the Secretary of the department in which the Coast Guard is operating. The Secretary of the department in which the Coast Guard is operating shall promulgate regulations, which are consistent with the standards issued under this subsection and with maritime safety and the marine navigation laws and regulations, governing the design, construction, installation, and operation of any marine sanitation device on board such vessels.

"(2) Any existing vessel equipped with a device or devices installed pursuant to the requirements of State statute, regulation, or recommended levels of control set forth in the Handbook on Sanitation and Vessel Construction (Public Health Service, 1965) prior to the promulgation of the initial standards and regulations required by this section shall be deemed in compliance with this section until such time as the device or devices are replaced or are found not to be in compliance with such State statute, regulation, or recommended level.

"(c)(1) Initial standards and regulations under this section shall become effective for new vessels two years after promulgation; and for existing vessels five years after promulgation. Revisions of standards and regulations shall be effective upon promulgation, unless another effective date is specified.

"(2) The Secretary of the department in which the Coast Guard is operating with regard to the regulatory authority established by this section, may distinguish among classes, types, and sizes of vessels as well as between new and existing vessels, and may waive applicability of standards and regulations as necessary or appropriate for such classes, types, and sizes of vessels, and, upon application, for individual vessels.

"(d) The provisions of this section and the standards and regulations promulgated thereunder shall apply to vessels owned and operated by the United States unless the Secretary of Defense finds that compliance would not be in the interest of national security.

"(e) Before the standards and regulations under this section are promulgated, the Secretary and the Secretary of the department in which the Coast Guard is operating shall consult with the Secretary of State; the Secretary of Health, Education, and Welfare; the Secretary of Defense; the Secretary of Commerce; other interested Federal agencies; and the States and industries interested; and otherwise comply with the requirements of section 553 of title 5 of the United States Code.

"(f) After the effective date of any standards and regulations established pursuant to this section, no State or political subdivision thereof shall adopt or enforce any statute or regulation with respect to the design, manufacture, installation, or use of any marine sanitation device in connection with any vessel subject to the provisions of this section, except that nothing in this subsection shall restrict the authority of a State to prohibit the discharge of sewage in any waters within a State where implementation of applicable water quality sandards requires such prohibition.

"(g)(1) No manufacturer of a marine sanitation device shall sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States for sale or resale any marine sanitation device manufactured after the effective date of the standards and regulations promulgated under this section unless such device is in all material respects substantially the same as a test device certified under this subsection.

"(2) Upon application of the manufacturer, the Secretary of the department in which the Coast Guard is operating shall so certify a marine sanitation device if he determines, in accordance with the provisions of this paragraph, that it meets the appropriate standards and regulations promulgated under this section. The Secretary of the department in which the Coast Guard is operating shall test or require such testing of the device in accordance with procedures set forth by the Secretary as to standards of performance and for such other purposes as may be appropriate. If the Secretary of the department in which the Coast Guard is operating determines that the device is satisfactory from the standpoint of the procedures set forth by the Secretary and any other requirements of maritime law or regulation, and after consideration of the design, installation, operation, material, or other appropriate factors, he shall certify the device. Any device manufactured by such manufacturer which is in all material respects substantially the same as the certified test device shall me deemed to be in conformity with the appropriate standards and regulations established under this section.

"(3) Every manufacturer shall establish and maintain such records, make such reports, and provide such information as the Secretary or the Secretary of the department in which the Coast Guard is operating may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this section and regulations thereunder and shall, upon request of an officer or employee duly designated by the Secretary or the Secretary of the department in which the Coast Guard is operating, permit such officer or employee at reasonable times to have access to and copy such records. All information reported to, or otherwise obtained by, the Secretary or the Secretary of the department in which the Coast Guard is operating or their representatives pursuant to this subsection which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this section.

"(h) After the effective date of standards and regulations promulgated under this section, it shall be unlawful—

"(1) for the manufacturer of any vessel subject to such standards and regulations to manufacture for sale, to sell or offer for sale, or to distribute for sale or resale any such vessel unless it is equipped with a marine sanitation device which is in all material respects substantially the same as the appropriate test device certified pursuant to this section;

"(2) for any person, prior to the sale or delivery of a vessel subject to such standards and regulations to the ultimate purchaser, wrongfully to remove or render inoperative any certified marine sanitation device or element of design of such device installed in such vessel;

"(3) for any person to fail or refuse to permit access to or copying of records or to fail to make reports or provide information required under this section; and

"(4) for a vessel subject to such standards and regulations to operate on the navigable waters of the United States, if such vessel is not equipped with an operable marine sanitation device certified pursuant to this section.

"(i) The district courts of the United States shall have jurisdiction to restrain violators of subsection (h) of this section. Actions to restrain such violators shall be brought by, and in, the name of the United States. In any such action, subpenas for witnesses who are required to attend a district court in any district may run into any other district. In case of contumacy or refusal to obey a subpena served upon any person under this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(j) Any person who violates clause (1) or (2) of subsection (h) of this section shall be liable to a civil penalty of not more than $5,000 for each violation. Any person who violates clause (4) of subsectton (h) of this section or any regulation issued pursuant to this section, shall be liable to a civil penalty of not more than $2,000 for each violation. Each violation shall be a separate offense. The Secretary of the department in which the Coast Guard is operating may assess and compromise any such penalty. No penalty shall be assessed until the person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penatly, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by said Secretary.

"(k) The provisions of this section shall be enforced by the Secretary of the Department in which the Coast Guard is operating and he may utilize by agreement, with or without reimbursement, law enfrocement officers or other personnel and facilities of the Secretary, other Federal agencies, or the States to carry out the provisions of this section.

"(l) Anyone authorized by the Secretary of the Department in which the Coast Guard is operating to enforce the provisions of this section may, except as to public vessels, board and inspect any vessel upon the navigable waters of the United States, and execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(m) The several district courts of the United States are invested with jurisdiction far any actions arising uder this section. In the case of Guam, such actions may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court

shall have jurisdiction of such actions. In the case of the Canal Zone, such actions may be brought in the District Court for the District of the Canal Zone.

"CONTROL OF OIL DISCHARGES

"SEC. 12. (a) For the purpose of this section, the term—

"(1) 'oil' means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil;

"(2) 'discharge' means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping;

"(3) 'vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, other than a public vessel;

"(4) 'public vessel' means a vessel owned or bareboat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation or political subdivision thereof, except in any case in which such vessel is engaged in commerce;

"(5) 'United States' includes the States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Canal Zone, and the Trust Territory of the Pacific Islands;

"(6) 'owner or operator' means, as the context requires, any person owning, operating, or chartering by demise, a vessel, or any person owning or operating an onshore or offshore facility or an onshore or offshore drilling-production facility;

"(7) 'person' includes an individual, firm, corporation, association, or a partnership;

"(8) 'remove' or 'removal' includes removal of the oil from the water and shorelines and the taking of actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private shorelines;

"(9) 'contiguous zone' means the entire zone established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone;

"(10) 'onshore or offshore drilling-production facility' means any facility of any kind and related appurtenances, thereto located in, on, or under, the surface of any land, or permanently or temporarily affixed to any land, including lands beneath the navigable waters of the United States, which is used or capable of being used for the purpose of exploring for, drilling, or producing oil;

"(11) 'onshore or offshore facility' means any facility, other than an onshore or offshore drilling-production facility, of any kind and related appurtenances thereto located in, on, or under, the surface of any land, or permanently or temporarily affixed to any land, including lands beneath the navigable waters of the United States, which is used or capable of being used for the purpose of processing, transporting, or transferring oil, or for the purpose of storing oil for any commercial purpose, but does not include any facility, other than a marine facility, used or capable of being used to store five hundred barrels of oil or less; and

"(12) 'act of God' means an act occasioned exclusively by violence of nature without the interference of any human agency.

"(b)(1) The discharge of oil into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone is prohibited, except (A) in the case of such discharges into the waters of the contiguous zone, where permitted under article IV of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, and (B) where permitted in quantities and at times and locations or under such circumstances or conditions as the President may, by regulation, deem appropriate. Any regulations issued under this subsection shall be consistent with maritime safety and with marine and navigation laws and regulations and applicable water quality standards.

"(2) Any vessel, onshore or offshore facility, or onshore or offshore drilling-production facility from which oil is knowingly discharged in violation of the provisions of paragraph (1) of this subsection shall be subject to an in rem civil penalty of not more than $2,500 for each offense. No penalty shall be assessed unless the owner or operator of the vesesl or of the onshore or offshore facility has been given notice and an opportunity for a hearing with respect to such discharge. Any such penalty also may be compromised. In determining the amount of such penalty, or the amount agreed upon in compromise, the gravity and nature of the violation, the history of discharges by such vessel or facility, the giving of notice pursuant to subsection (c), and any action taken to minimize or mitigate damage, including removal of discharged oil in accordance with the provisions of this section and the regulations promulgated thereto, shall be taken into consideration.

"(c) In order to facilitate the removal of oil and minimize or mitigate damage resulting from the discharge thereof, any person in charge of a vessel, an onshore or offshore facility, or an onshore or offshore drilling-production facility shall, as soon as he has knowledge of any discharge of oil from such vessel or facility in violation of subsection (b) of this section or the regulations promulgated thereunder, immediately notify the appropriate agency of the United States Government of such discharge. Any such person who fails to notify immediately such agency of such discharge shall, upon conviction, be fined not more than $5,000, or imprisoned for not more than one year, or both. Notification received pursuant to this subsection shall not be used by the United States Government to enforce the provisions of any other Federal law or to provide any information obtained from such notice to any State for the purpose of any criminal prosecution.

"(d)(1) Within one hundred and eighty days after the effective date of this section, the President shall, consistent with maritime safety, marine and navigation laws, and applicable water quality standards, issue regulations (A) relative to the procedures, methods, and equipment for preventing discharges of oil, (B) establishing criteria relating to the procedures, methods, means, and equipment used in the removal of discharged oil, and (C) establishing criteria for the development and implementation of oil removal contingency plans. The regulations shall also provide procedures for the review and approval of such plans, where appropriate.

"(2) Any owner or operator of a vessel, onshore or offshore facility, or onshore or offshore drilling-production facility who fails or refuses to comply with the provisions of any regulation issued under paragraph (1) of this subsection, shall be subject to an in rem civil penalty of not more than $1,000 for each such failure or refusal. No penalty shall be assessed until such owner or operator has been given notice and an opportunity for a hearing on such charge. Any such penalty also may be compromised. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity and nature of the violation, the history of previous violations, and the demonstrated good faith of the owner or operator charged in attempting to achieve rapid compliance, after notification of an offense, shall be taken into consideration.

"(e) Whenever any oil is discharged in violation of subsection (b) of this section, unless removal is immediately undertaken by the owner or operator of the vessel, onshore or offshore facility, or onshore or offshore drilling-production facility from which the discharge occurs pursuant to the regulations promulgated under subsection (d) of this section, the President shall remove or arrange for the removal thereof. Nothing in this subsection shall be construed to restrict the authority of the President to act to remove or arrange for the removal of such oil at any time.

"(f)(1) Except where an owner or operator can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act of a third party, such owner or operator of any vessel from which oil is discharged, or which causes the discharge of oil, into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (e) for the removal of such oil by the United States Government in an amount not to exceed $125 per gross ton of such vessel or $14 million, whichever is lesser, except that where such discharge was the result of negligence or a willful act, such owner or operator shall be liable to the United States Government for the full amount of such costs.

"(2)(A) Each owner or operator of a vessel over three hundred gross tons, including any barge of equivalent size, using any port or place in the United States or the navigable waters of the United States, shall establish and maintain, under regulations prescribed by the designated Federal agency, evidence of financial responsibility of $100 per gross ton of the liability to which the vessel could be subjected under paragraph (1) of this subsection. Financial responsibility may be established and maintained by any one of, or a combination of, the following methods acceptable to the designated Federal agency: (i) evidence of insurance, (ii) surety bonds, (iii) qualification as a self-insurer, or (iv) other evidence of financial responsibility satisfactory to the designated Federal agency.

"(B) If a bond is filed with the designated Federal agency, then such bond shall be issued by a bonding company authorized to do business in the United States.

"(C) Any claim for costs incurred by such vessel may be brought directly against the insurer or any other person providing evidence of financial responsibility as required under this subsection.

"(g) Each owner or operator of a vessel subject to the provisions of this subsection shall designate a person in the United States as his legal agent for service of process under this section.

"(h) The Secretary of the Treasury shall, upon request of the delegate of the President, withhold, at the port or place of departure from the United States, the clearance of a vessel, other than a public vessel, required by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C. 91), which (1) is liable to the United States Government for any costs or penalties under subsection (b) or (f) of this section until such costs or penalties are paid or until a bond or other satisfactory surety is posted, or (2) has failed to meet the requirements of subsection (f)(2) of this section.

"(i)(1) Except where an owner or operator can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act of a third party, the owner or operator of any onshore or offshore facility from which oil is discharged into or upon the navigable waters of the United States or adjoining shorelines shall be liable to the United States Government for the actual costs incurred for the removal

of such oil by the United States Government in an amount not to exceed $125 per ton of oil which such facility is capable of (i) processing, (ii) transporting, (iii) transferring, in any twenty-four hour period, or (iv) storing in the largest unit of such facility, whichever is greater, except where the discharge was the result of negligence or a willful act, the owner or operator shall be liable to the United States Government for the full amount of such costs.

"(2) Except where an owner or operator can prove that a discharge was caused soley by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act of a third party, the owner or operator of an onshore or offshore drilling-production facility from which oil is discharged, or which causes the discharge of oil, into or upon the navigable waters of the United States or adjoining shorelines shall be liable to the United States Government for the actual costs incurred in the removal of such oil by the United States Government in an amount not to exceed $8,000,000 except, where the discharge was the result of negligence or a willful act, the owner or operator shall be liable to the United States Government for the full amount of such costs.

"(j)(1) In any case where an owner or operator removes oil discharged from a vessel into or upon the navigable waters of the United States or adjoining shorelines or the waters of the continguous zone or removes oil discharged into or upon the navigable waters of the United States or adjoining shorelines from an onshore or offshore facility or an onshore or offshore drilling-production facility, such owner or operator shall be entitled to recover the reasonable costs incurred in such removal upon establishing, in a suit which may be brought against the United States Government in the United States Court of Claims, that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States, or (D) an act of a third party.

"(2) In any case where recovery of costs is obtained by an owner or operator pursuant to this subsection and the discharge involved was caused by an act of a third party, the United States Government shall be subrogated to any rights such owner or operator may have against such third party due to causing such discharge.

"(3) The provisions of this subsection shall not apply in any case where liability is established pursuant to the Outer Continental Shelf Lands Act.

"(4) Any amount paid in accordance with a judgment of the United States Court of Claims pursuant to this section shall be paid from the fund established pursuant to subsection (k).

"(k)(1) The President is authorized to delegate the responsibility of administering the provisions of this section to one or more appropriate Federal agencies. Any moneys in the fund established by this subsection shall be available to such Federal agencies to carry out the provisions of subsections (e) and (j) of this section. Each such agency, in order to avoid duplication of effort, shall, whenever appropriate, utilize the personnel, services, and facilities of other Federal agencies.

"(2) There is hereby authorized to be appropriated to a revolving fund to be established in the Treasury not to exceed $50,000,000. Any funds received by the United States Government under this section shall also be deposited in said fund for such purposes. All sums appropriated to, or deposited in, said fund shall remain available until expended.

"(l) The liability established by this section shall in no way affect any rights which (1) the owner or operator of a vessel, an onshore or offshore facility, or an onshore or offshore drilling-production facility may have against any third party whose acts may in any way have caused or contributed to such discharge, or (2) the United States Government may have against any third party whose actions may in any way have caused or contributed to the discharge of oil.

"(m) Anyone authorized by the President to enforce the provisions of this section may (1) board and inspect any vessel upon the navigable waters of the United States, (2) with or without a warrant arrest any person who violates the provisions of this section or any regulation issued thereunder in his presence or view, and (3) execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(n)(1) Where as determined by the President there is an imminent and substantial threat to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife and public and private shorelines within the United States, because of an actual or threatened discharge of oil into or upon the navigable waters of the United States from a vessel, the delegate of the President shall have the right to take immediate possession of such vessel so far as to remove it or take such other action as may be appropriate to eliminate or mitigate such threat, and to prevent any unnecessary injury, and no one shall interfere with or prevent such removal or other action, except that the head of the agency charged with removal or other action under this subsection may, in his discretion, give notice in writing to the owner or operator of any such vessel requiring them to act. Any expense incurred under this subsection shall be a cost incurred by the United States Government for the purposes of subsection (f) in the removal of oil.

"(2) In addition to any other action taken by a State or local government, when the President determines there is an imminent and substantial threat to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife and public and private shorelines within the United States, because of an actual or threatened discharge of oil into or upon the navigable waters of the United States from an onshore or offshore drilling-production facility or an onshore or offshore facility, the President may require the United States attorney of the district in which the threat occurs to secure such relief as may be necessary to abate such threat.

"(o) The several district courts of the United States are invested with jurisdiction for any actions, other than actions pursuant to subsection (j)(1), arising under this section. In the case of Guam, such actions may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone, such actions may be brought in the United States District Court for the District of the Canal Zone.

"(p) Nothing in this section shall be construed as affecting or modifying any other existing authority of any Federal agency relative to onshore or offshore facilities or onshore or offshore drilling-production facilities under this Act or any other provision of law or to affect or modify any State or local law not in conflict with the provisions of this section.

"(q) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel, onshore or offshore facility to any person or agency under any provision of law for damages to any publicly- or privately-owned property resulting from a discharge of any oil or from the removal of any such oil.

"CONTROL OF HAZARDOUS POLLUTING SUBSTANCES

"SEC. 13. (a) The President shall, in accordance with the procedures set forth in this section, develop, promulgate, and revise as may be appropriate, regulations (1) designating as hazardous substances, other than oil as defined in section 12 of this Act, such elements and compounds which, when discharged in any quantity into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone, present an imminent and substantial danger to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, shorelines, and beaches; and (2) establishing, if appropriate, criteria for the removal of such substances, including criteria relative to the methods and means of removal.

"(b) In the development of such regulations, the President or his delegate shall consult with other interested Federal agencies, representatives of State agencies, and other interested persons and organizations. Consideration shall be given to the latest available scientific data in the field, the technical feasibility of the regulations, and experience gained under this Act.

"(c) The President shall from time to time publish any such proposed regulations in the Federal Register and shall afford interested persons a period of not less than thirty days after publication to submit written data or comments. Except as provided in subsection (d) of this section, the President may, upon the expiration of such period and after consideration of all relevant matter presented, promulgate such regulations with such modifications as he may deem appropriate.

"(d) On or before the last day of any period fixed for the submission of written data or comments under subsection (c), any interested person may file with the President written objections to a proposed regulation, stating the grounds therefor and requesting a public hearing. As soon as practicable after the period for filing such objections has expired, the President shall publish in the Federal Register a notice specifying the proposed regulations to which objections have been filed and a hearing requested, and shall promptly hold a public hearing for the purpose of receiving relevant evidence. After completion of the hearing, the President shall make findings of fact on such objections, and the President may promulgate the regulations with such modifications as he deems appropriate, or take such other action as he deems appropriate. All such findings shall be made public.

"(e) Any aggrieved person may, within sixty days after promulgation in the Federal Register of any regulation for which a hearing was held under subsection (d), file with the United States Court of Appeals for the District of Columbia a petition praying that such regulation be modified or set aside in whole or in part. A copy of the petition shall forthwith be sent by registered or certified mail to the President, and thereupon the President shall certify and file in such court the record upon which the President made his decision, as provided in section 2112, title 28, United States Code. The court shall hear such appeal on the record made before the President. The findings of the President, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may affirm, vacate, or remand the proceedings to the President for such further action as it directs. The review provided by this subsection shall be the exclusive review available to such person of any such regulation and such regulation shall not be the subject of any review during any procedure leading to the enforcement of such regulation. The filing of a petition under this subsection shall not stay the application of the regulation com-

plained of, unless the court so orders, upon finding that there is a substantial likelihood that the President's findings are erroneous, and that irreparable injury will result without such a stay.

"(f) Any regulation promulgated under this section shall be effective upon publication in the Federal Register unless the President specified a later date.

"(g) In order to facilitate the removal, if appropriate, of any hazardous substance any person in charge of a vessel or of an onshore or offshore facility of any kind shall, as soon as he has knowledge of any discharge of such substance from such vessel or facility, immediately notify the appropriate agency of the United States of such discharge. Any such person who knowingly fails to notify immediately such agency of such discharge shall, upon conviction, be fined not more than $5,000, or imprisoned for not more than one year or both. Notification received pursuant to this section shall not be used by the United States Government to enforce the provisions of any other Federal law or to provide any information obtained from such notice to any State for the purpose of any criminal prosecution.

"(h) Whenever any hazardous substance is discharged into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone, unless removal is immediately undertaken by the owner or operator of the vessel or onshore or offshore facility from which the discharge occurs or which caused the discharge, pursuant to the regulations promulgated under this section, the President, if appropriate, shall remove or arrange for the removal thereof in accordance with such regulations. Nothing in this subsection shall be construed to restrict the authority of the President to act to remove or arrange for the removal of such hazardous substance at any time.

"(i) Any owner or operator of a vessel or onshore or offshore facility who fails or refuses to comply with the provisions of any regulations promulgated under this section shall be subject to an in rem civil penalty of not more than $5,000 for each such failure or refusal. No penalty shall be assessed until such owner or operator has been given notice and an opportunity for a hearing on such charge. Any such penalty also may be compromised. In determining the amount of the penalty, or amount agreed upon in compromise, the gravity and nature of the violation, the demonstrated good faith of the owner or operator charged in attempting to achieve rapid compliance after notification of a violation, and the history of previous violations shall be considered.

"(j) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel, onshore or offshore facility to any person or agency under any provision of law for damages to any publicly- or privately-owned property resulting from a discharge of any hazardous substance or from the removal of any such substance.

"(k) Anyone authorized by the President to enforce the provisions of this section may (1) board and inspect any vessel upon the navigable waters of the United States, (2) with or without a warrant arrest any person who violates the provisions of this section or any regulation issued thereunder in his presence or view, and (3) execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(l) The several district courts of the United States are invested with jurisdiction for any actions arising under this section. In the case of Guam, such actions may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone such actions may be brought in the United States District Court for the District of the Canal Zone.

"(m)(1) For the purpose of this section the definitions in subsection (a) of section 12 of this Act shall be applicable to the provisions of this section, except as provided in paragraph (2) of this subsection:

"(2) For the purpose of this section, the term—

"(A) 'remove' or 'removal' includes removal of the hazardous substances from the water and shorelines and the taking of actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private shorelines;

"(B) 'owner or operator' means, as the context requires, any person owning, operating, chartering by demise, or otherwise controlling the operations of, a vessel, or any person owning, operating, or otherwise, controlling the operations of an onshore or offshore facility; and

"(C) 'offshore or onshore facility' means any facility of any kind and related appurtenances thereto which is located in, on, or under the surface of any land, or permanently or temporarily affixed to any land, including lands beneath the navigable waters of the United States and which is used or capable of use for the purpose of processing, transporting, producing, storing, or transferring for commercial purposes and hazardous substances designated under this section.

"(n) The President shall submit a report to the Congress, together with his recommendations, not later than November 1, 1970, on the need for, and desirability of, enacting legislation to impose liability for the cost of removal of hazardous substances discharged from vessels and onshore and offshore facilities subject to this section. In preparing this report, the President shall conduct an accelerated study which shall include, but not be limited to, the method and measures for controlling hazardous substances to prevent this discharge, the most appropriate measures for enforcement and recovery of costs incurred by the United States if removal is undertaken by the United States, and methods of imposing civil or criminal sanctions where removal is impossible or impractical. In carrying out this study, the President shall consult with the interested representatives of the various public and private interest groups that would be affected by such legislation as well as other interested persons.

"(o) The President is authorized to delegate the responsibility of administering the provisions of this section to one or more appropriate Federal agencies. Any moneys in the fund established by section 12 of this Act shall be available to such Federal agencies to carry out the purposes of this section. Each such agency, in order to avoid duplication of effort, shall, whenever appropriate, utilize the personnel, services, and facilities of other Federal agencies.

"AREA ACID AND OTHER MINE WATER POLLUTION CONTROL DEMONSTRATION

"SEC. 14. (a) The Secretary in cooperation with other Federal agencies is authorized to enter into agreements with any State or interstate agency to carry out one or more projects to demonstrate methods for the elimination or control, within all or part of a watershed, of acid or other mine water pollution resulting from active or abandoned mines. Such projects shall demonstrate the engineering and economic feasibility and practicality of various abatement techniques which will contribute substantially to effective and practical methods of acid or other mine water pollution elimination or control.

"(b) The Secretary, in selecting watersheds for the purposes of this section, shall (1) require such feasibility studies as he deems appropriate, (2) give preference to areas which have the greatest present or potential value for public use for recreation, fish and wildlife, water supply, and other public uses, and (3) be satisfied that the project area will not be affected adversely by the influx of acid or other mine water pollution from nearby sources.

"(c) Federal participation in such projects shall be subject to the conditions—

"(1) that the State or interstate agency shall pay not less than 25 per centum of the actual project costs which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, or personal property or services, the value of which shall be determined by the Secretary; and

"(2) that the State or interstate agency shall provide legal and practical protection to the project area to insure against any activities which will cause future acid or other mine water pollution.

"(d) There is authorized to be appropriated $15,000,000 to carry out the provisions of this section, which sum shall be available until expended. No more than 25 per centum of the total funds available under this section in any one year shall be granted to any one State.

"POLLUTION CONTROL IN GREAT LAKES

"SEC. 15. (a) The Secretary, in cooperation with other Federal agencies, is authorized to enter into agreements with any State, political subdivision, interstate agency, or other public agency, or combination thereof, to carry out one or more projects to demonstrate new methods and techniques and to develop preliminary plans for the elimination or control of pollution, within all or any part of the watersheds of the Great Lakes. Such projects shall demonstrate the engineering and economic feasibility and practicality of removal of pollutants and prevention of any polluting matter from entering into the Great Lakes in the future and other abatement and remedial techniques which will contribute substantially to effective and practical methods of water pollution elimination or control.

"(b) Federal participation in such projects shall be subject to the condition that the State, political subdivision, interstate agency, or other public agency, or combination thereof, shall pay not less than 25 per centum of the actual project costs which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, personal property or services, the value of which shall be determined by the Secretary.

"(c) There is authorized to be appropriated $20,000,000 to carry out the provisions of this section, which sum shall be available until expended."

SEC. 103. (a) Redesignated section 16 of the Federal Water Pollution Control Act, as amended, is amended to read as follows:

"COOPERATION BY ALL FEDERAL AGENCIES IN THE CONTROL OF POLLUTION

"SEC. 16. (a)(1) Each Federal agency having jurisdiction over any real property, facility or actiivty of any kind, shall, consistent with an approved plan for implementation, insure compliance with applicable water quality standards and the purposes of this Act in the administration of such property, facility, or activity. In his summary of any conference pursuant to section 10(d)(4) of this Act, the Secretary shall include references to any discharges allegedly contributing to pollution from any such Federal property, facility, or activity, and shall transmit

a copy of such summary to the head of the Federal agency having jurisdiction of such property, facility, or activity. Notice of any hearing pursuant to section 10(f) of this Act involving any pollution alleged to be effected by any such discharges shall also be given to the Federal agency having jurisdiction over the property, facility, or activity involved, and the findings and recommendations of the hearing board conducting such hearing shall include references to any such discharges which are contributing to the pollution found by such board.

"(2) There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

"(b) Each Federal agency which leases any Federal property or facility of any kind or which contracts for the operation of any Federal property or facility or which contracts for the entire operation of any other facility, shall insure compliance with applicable water quality standards and the purposes of this Act in the administration of such lease or contract. Any certification obtained for a Federal license or permit pursuant to subsection (c) shall be evidence of compliance with water quality standards for the purposes of this subsection.

"(c)(1) Any applicant for a Federal license or permit to construct or operate any facility or to conduct any activity which may result in any discharge into the navigable water of the United States shall provide certification form the State in which the discharge originates or, if appropriate, the interstate water pollution control agency to the licensing or permitting agency and notice thereof to the Secretary that there is reasonable assurance that such facility or activity will comply with applicable water quality standards, except that in any case where standards for interstate water have not been approved or where such standards have been promulgated by the Secretary pursuant to section 10(c) of this Act, such certification shall be obtained from the Secretary. Such State or if appropriate interstate agency or the Secretary shall, within one year of receipt of any application for such certification, notify the applicant of such certification or of intent not to certify. Whenever such discharge may affect, as determined by the Secretary, the applicable water quality standards of any other State or States, the Secretary, within sixty days of the date of notice of application for a Federal license or permit shall notify such other State or States. If, within thirty days after receipt of such notification, such other State or States determine that such discharge will adversely affect their water quality standards, the Secretary, within thirty days after the State or States make such determination, shall review such determination and, if he finds that such discharge will adversely affect the water quality standards of such State or States, shall require before such license or permit is issued such conditions as may be necessary to insure compliance with applicable water quality standards. No license or permit shall be granted without such certification and such conditions as the State or, as appropriate, the interstate agency or, as appropriate, the Secretary may reasonably require, including, but not limited to, provision for suspension or termination of any issued license or permit for failure to be in compliance with applicable water quality standards. In any case where such conditions required by the Secretary are more stringent than, or in conflict with conditions required by the certifying State or, if appropriate, interstate agency, the licensing or permitting agency, upon request of the applicant for a license or permit, shall hold a hearing and make finding of fact on the conditions to be included in any license or permit, except that no such findings shall be adopted that are less stringent than the conditions required by the certifying State. The licensee or permittee shall provide the certifying State or, if appropriate, the interstate agency, or the Secretary, with notification of any changes in the proposed facility or activity which may affect applicable water quality standards.

"(2) The certification obtained pursuant to paragraph (1) of this subsection shall fulfill the requirements of this subsection with respect to any other Federal license or permit required for such facility or activity, unless, after notice of application for such other Federal license or permit has been given by such Federal agency, the State or, if appropriate, the interstate agency or the Secretary, notifies within sixty days after receipt of such notice such Federal agency of a change since providing such certification in (A) the nature of the activity, (B) the design of the facility, (C) the natural characteristics of the waters into which such discharge is made, or (D) the water quality standards applicable to such waters, and that, due to such change, there is no longer reasonable assurance that there will be compliance with applicable water quality standards.

"(3) Prior to the operation of any federally licensed or permitted facility or activity, not subject to a Federal operating license or permit, the licensee or permittee shall provide an opportunity for such certifying State and, if appropriate, the interstate agency or the Secretary to review the manner in which the facility or activity shall be operated or conducted for the purposes of assuring compliance with applicable water quality standards. Upon notification by the certifying State or, if appropriate, the interstate agency or the Secretary that the operation of any federally licensed or permitted facility or activity will not comply with applicable water quality standards, such Federal agency shall suspend such license or permit until notification is received that there is reasonable assurance that such facility or activity will comply with applicable water quality standards.

"(4) Upon notification by the Governor of the certifying State, or, as appropriate, the interstate agency or the Secretary, that any such federally licensed or permitted facility or activity has been found by a court of competent jurisdiction, pursuant to applicable State or Federal law, to be in violation of the applicable water quality standards such license or permit may be suspended or terminated as the circumstances require.

"(5) No Federal agency shall be deemed to be an applicant for the purpose of this subsection.

"(6) In any case where actual construction of a facility for the conduct of any activity has been commenced pursuant to a Federal license or permit prior to the date of enactment of the Water Quality Improvement Act of 1969, no certification under this subsection shall be required for any Federal operating license or permit respecting that activity issued within two years following such date: *Provided*, That any operating license or permit issued during the two-year period following such date of enactment without such certification shall terminate at the end of that period unless prior to such date the licensee or permittee submits to the Federal agency that issued such license or permit a certification which otherwise meets the requirements of paragraph (1) of this subsection.

"(7) Except as provided in paragraph (6), any application for a license or permit that is (a) pending on the date of enactment of the Water Quality Improvement Act of 1969 and (b) that is issued within one year following the date of enactment shall not require certification pursuant to this subsection for one year following the issuance of such license or permit: Provided, That any such license or permit issued shall terminate at the end of one year unless prior to that time the licensee or permittee submits to the Federal agency that issued such license or permit a certification which otherwise meets the requirements of this subsection.

"(8)(A) In the case of any activity which will affect water quality but for which there are no applicable water quality standards, no certification shall be required under this subsection, except that the licensing or permitting agency shall impose, as a condition of any license or permit, a requirement that the licensee or permittee shall comply with the purposes of this Act.

"(B) Upon notice from the State in which the discharge originates or, as appropriate, the interstate agency or the Secretary, that such licensee or permittee has been notified of the adoption of water quality standards applicable to such activity and has failed, after reasonable notice, or not less than six months, to comply with such standards, the license or permit shall be suspended until notification is received from such State or interstate agency or the Secretary that there is reasonable assurance that such activity will comply with applicable water quality standards.

"(d) Nothing in this section shall be construed to limit the authority of any department or agency pursuant to any other provision of law to require compliance with applicable water quality standards. The Secretary shall, upon the request of any Federal department or agency, or State or interstate agency, or applicant, provide, for the purpose of this section, any relevant information on applicable water quality standards, and shall, when requested by any such department or agency or State or interstate agency, or applicant, comment on any methods to comply with such standards.

"(e) In order to implement the provisions of this section, the Secretary of the Army, acting through the Chief of Engineers, is authorized, if he deems it to be in the public interest, to permit the use of spoil disposal areas under his jurisdiction by Federal licensees or permittes, and to make an appropriate charge for such use. Moneys received from such licensees or permittees shall be deposited in the Treasury as miscellaneous receipts."

SEC. 104. Section 5 of the Federal Water Pollution Control Act, as amended, is amended as follows:

(1) by amending paragraph (2) of subsection (a) to read as follows:

"(2) make grants-in-aid to public or private agencies and institutions and to individuals for research and demonstrations, and provide for the conduct of research and demonstrations by contract with public or private agencies and institutions and with individuals without regard to section 3648 and 3709 of the Revised Statutes; and";

(2) by changing the semicolon at the end of paragraph (3) of subsection (a) to a period and striking paragraphs (4) and (5);

(3) by striking out subsection (g) and inserting the provisions of such subsection in section 21 in lieu of the provisions in subsection (b) thereof, except that in paragraph (4) of such inserted provisions, strike out "and June 30, 1969" and insert in lieu thereof "June 30, 1969, and June 30, 1970";

(4) by redesignating subsection (h) as subsection (k), and by adding the following new subsections after subsection (f):

"(g)(1) For the purpose of providing an adequate supply of trained personnel to operate and maintain existing and future treatment works and related activities, and for the purpose of enhancing substantially the proficiency of those engaged in such activities, the Secretary shall finance a pilot program, in cooperation with State and interstate agencies, municipalities, educational institutions, and other organizations and individuals, of

manpower development and training and retraining of persons in, or entering into, the field of operation and maintenance of treatment works and related activities. Such program and any funds expended for such a program shall supplement, not supplant, other manpower and training programs and funds available for the purposes of this paragraph. The Secretary is authorized, under such terms and conditions as he deems appropriate, to enter into agreements with one or more States, acting jointly or severally, or with other public or private agencies or institutions for the development and implementation of such a program.

"(2) The Secretary is authorized to enter into agreements with public and private agencies and institutions, and individuals to develop and maintain an effective system for forecasting the supply of, and demand for, various professional and other occupational categories needed for the prevention, control, and abatement of water pollution in each region, State, or area of the United States and, from time to time, to publish the results of such forecasts.

"(3) In furtherance of the purposes of this Act, the Secretary is authorized to—

"(A) make grants to public or private agencies and institutions and to individuals for training projects, and provide for the conduct of training by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes;

"(B) establish and maintain research fellowships in the Department of the Interior with such stipends and allowances, including traveling and subsistence expenses, as he may deem necessary to procure the assistance of the most promising research fellowships; and

"(C) provide, in addition to the program established under paragraph (1) of this subsection, training in technical matters relating to the causes, prevention, and control of water pollution for personnel of public agencies and other persons with suitable qualifications.

"(4) The Secretary shall submit, through the President, a report to the Congress by September 30, 1970, summarizing the actions taken under this subsection and the effectiveness of such actions, and setting forth the number of persons trained; the occupational categories for which training was provided, the effectiveness of other Federal, State, and local training programs in this field, together with estimates of future needs, recommendation on improving training programs, and such other information and recommendations, including legislative recommendations, as he deems appropriate.

"(h) The Secretary is authorized to enter into contracts with, or make grants to, public or private agencies and organizations and individuals for (A) the purpose of developing and demonstrating new or improved methods for the prevention, removal, and control of natural or manmade pollution in lakes, including the undesirable effects of nutrients and vegetation, and (B) the construction of publicly owned research facilities for such purpose.

"(i) The Secretary shall engage in such research, studies, experiments, and demonstrations as he deems appropriate relative to the removal of oil from any waters and to the prevention and control of oil pollution, and shall publish from time to time the results of such activities. In carrying out this subsection, the Secretary may enter into contracts with, or make grants to, public or private agencies and organizations and individuals.

"(j) In carrying out the provisions of this section relating to the conduct by the Secretary of demonstration projects and the development of field laboratories and research facilities, the Secretary may acquire land and interests therein by purchase, with appropriated or donated funds, by donation, or by exchange for acquired or public lands under his jurisdiction which he classifies as suitable for disposition. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require."; and

(5) by amending the first sentence of redesignated subsection (k) to read as follows: "There is authorized to be appropriated to carry out this section, other than subsection (g) (1) and (2), not to exceed $65,000,000 annually for the fiscal years ending June 30, 1969, June 30, 1970, and June 30, 1971. There is authorized to be appropriated to carry out subsection (g) (1) of this section $5,000,000 for the fiscal year ending June 30, 1970, and $7,500,000 for the fiscal year ending June 30, 1971. There is authorized to be appropriated to carry out subsection (g) (2) of this section $2,500,000 annually for the fiscal years ending June 30, 1970, and June 30, 1971.".

SEC. 105. Section 6 of the Federal Water Pollution Control Act, as amended, is amended—

(1) by changing in subsection (e) (1) the word "three" to "five"; and

(2) by changing in subsection (e) (2) and (3) the word "two" to "four".

SEC. 106. Redesignated section 19 of the Federal Water Pollution Control Act, as amended, is amended by deleting the following: "the Oil Pollution Act, 1924, or".

SEC. 107. Section 10 of the Federal Water Pollution Control Act, as amended, is amended by adding in subsection (c) (3) the word "navigation," immediately following "industrial," in the second sentence.

SEC. 108. The Oil Pollution Act, 1924 (43 Stat. 604), as amended (80 Stat. 1246–1252), is hereby repealed.

TITLE II—ENVIRONMENTAL QUALITY

SEC. 201. This title may be cited as the "Environmental Quality Improvement Act of 1969".

FINDINGS, DECLARATIONS, AND PURPOSES

SEC. 202. (a) The Congress finds—

(1) that in the pursuit of social and economic advancement man has caused changes in the environment;

(2) that the degree of such changes endangers a harmonious relationship between man and his environment;

(3) that population increases and urban concentration contribute directly to pollution and the degradation of our environment, increasing the severity of the physical, social, psychological, and economic problems of our society; and

(4) that changes in the environment should be restricted, insofar as possible, to avoid adverse effects on man, other species and the environment itself.

(b) The Congress declares—

(1) that there is a national policy for the environment which provides for the enhancement of environmental quality, which is enuniciated in the—

(A) Federal Water Pollution Control Act;

(B) Clean Air Act;

(C) Solid Waste Disposal Act;

(D) title 23 of the United States Code, relating to highways;

(E) Omnibus Rivers and Harbor and Flood Control Acts;

(F) Appalachian Regional Development Act of 1965;

(G) Public Works and Economic Development Act of 1965; and

(H) Tennessee Valley Authority Act of 1933;

(2) that the primary responsibility for implementing this policy rests with State and local governments;

(3) that the Federal Government shall encourage and support implementation of this policy through appropriate regional organizations; and

(4) that Federal and federally assisted public works programs and projects shall, in all instances, be developed and implemented in a manner consistent with the enhancement of environmental quality.

(c) The purposes of this title are—

(1) to provide for the development of criteria and standards to assure the protection and enhancement of environmental quality in all Federal and federally assisted projects and programs; and

(2) to authorize and to provide staff for an Office of Environmental Quality.

FEDERAL PUBLIC WORKS ACTIVITIES

SEC. 203. Each Federal department or agency conducting or supporting public works activities which affect the environment shall implement the policies established by the President pursuant to this title.

OFFICE OF ENVIRONMENTAL QUALITY

SEC. 204. (a) There is established in the Executive Office of the President an office to be known as the Office of Environmental Quality (herein referred to as the "Office"). There shall be in the Office a Director and a Deputy Director who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) The compensation of the Director and the Deputy Director shall be fixed by the President at a rate not in excess of the annual rate of compensation payable to the Director and the Deputy Director of the Bureau of the Budget.

(c) The Director is authorized to employ such officers and employees as may be necessary to enable the Office to carry out its functions under this title.

(d) In carrying out the provisions of this section the Director shall—

(1) assist and advise the President on policies and programs of the Federal Government affecting environmental quality;

(2) provide staff and support for any cabinet level council or committee established by the President to coordinate Federal activities which affect the environment;

(3) review and appraise existing and proposed projects, facilities, programs, policies, and activities of the Federal Government which affect environmental quality and make recommendations thereon;

(4) review the adequacy of existing systems for monitoring and predicting environmental changes in order to achieve effective coverage and efficient use of research facilities and other resources;

(5) promote advancement of scientific knowledge of the effects of actions and technology on the environment and encourage the development of the means to prevent or reduce adverse effects that endanger the health and well-being of man;

(6) develop proposed policies and programs to protect and enhance environmental quality;

(7) recommend priorities with respect to problems involving environmental quality;

(8) assure evaluation of new and changing technologies for their potential effects on the environment prior to their implementation;

(9) review and comment on the coordination of the programs and activities of Federal departments and agencies which affect, protect, and improve environmental quality;

(10) review and comment on the development and interrelationship of environmental quality criteria and standards established through the Federal Government; and

(11) consult with and advise repersentatives of State and local governments and assist the President in efforts to achieve environmental quality in the community of nations.

(e) In carrying out the provisions of this section, the Director is authorized to contract with public or private agencies, institu-

tions, and organizations, and with individuals, without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5) for research and surveys regarding any potential or existing problem of environmental quality.

(f) In carrying out the provisions of this title the Director shall—

(1) not later than six months after the effective date of this Act and not later than January 10 of each calendar year beginning after such date, report to the Congress on measures taken toward implementing the purpose and intent of this title;

(2) collect, collate, analyze, and interpret data and information on environmental quality and issue reports thereon, as he deems appropriate; and

(3) organize and convene a biennial forum on current problems and issues concerning environmental quality, population, and the future, and publish the proceedings thereof, and participants in such forums shall be selected from among representatives of various State, interstate, and local government agencies, of public or private interests concerned with population growth, environmental quality, and planning for the future, and of other public and private agencies demonstrating an active interest, as well as other individuals in the fields of population, biology, psychology, medical sciences, social sciences, ecology, agriculture, economics, law, engineering, and political science who have demonstrated competence with regard to problems of the environment.

ADVISORY COMMITTEES

SEC. 205. (a) In order to obtain assistance and independent advice in the development and implementation of the purposes of this title, the Director of the Office of Environmental Quality shall from time to time establish advisory committees. Committee members shall be selected from among representatives of various State, interstate, and local government agencies, of public or private interests concerned with population growth, environmental quality, and planning for the future, and of the other public and private agencies demonstrating an active interest, as well as other individuals in the fields of population, biology, medical sciences, psychology, social sciences, ecology, agriculture, economics, law, engineering, and political science who have demonstrated competence with regard to problems of the environment.

(b) The members of the advisory committees appointed pursuant to this title shall be entitled to receive compensation at a rate to be fixed by the Director, but not exceeding $100 per diem, including traveltime, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

AUTHORIZATION

SEC. 206. There are hereby authorized to be appropriated for the fiscal year beginning July 1, 1969, and for each of five succeeding fiscal years, such amounts as may be necessary for the purposes of this title.

TITLE III—PROPERTY ACQUISITION

SEC. 301. (a)(1) The Architect of the Capitol, under the direction of the Senate Office Building Commission, is hereby authorized to acquire on behalf of the United States, in addition to the real property heretofore acquired as a site for an additional office building for the United States Senate under the provisions of the Second Deficiency Appropriation Act, 1948, approved June 25, 1948 (62 Stat. 1028) and Public Law 85-591, approved August 6, 1958 (72 Stat. 495-496), by purchase, condemnation, transfer, or otherwise, for purposes of extension of such site, all publicly, or privately owned property contained in lots 863, 864, 892, 893, 894, and 905 in said square 725 in the District of Columbia, and all allays or parts of alleys and streets contained within the curblines surrounding such square, as such square appears on the records in the Office of the Surveyor of the District of Columbia as of the date of enactment of this Act.

(2) Any proceeding for condemnation brought under paragraph (1) shall be conducted in accordance with the Act of December 23, 1963 (16 D.C. Code, secs. 1351-1368).

(3) Notwithstanding any other provision of law, any real property owned by the United States and any alleys or parts of alleys and streets contained within the curblines surrounding square 725 shall, upon request of the Architect of the Capitol, made with the approval of the Senate Office Building Commission, be transferred to the jurisdiction and control of the Architect of the Capitol, and any alleys or parts of alleys or streets contained within the curblines of said square shall be closed and vacated by the Commissioner of the District of Columbia in accordance with any request therefor made by the Architect of the Capitol with the approval of such Commission.

(4) Upon acquisition of any real property pursuant to this section, the Architect of the Capitol, when directed by the Senate Office Building Commission to so act, is authorized to provide for the demolition and/or removal of any buildings or other structures on, or constituting a part of, such property and, pending demolition, to use the property for Government purposes or to lease any or all of such property for such periods and under such terms and conditions as he may deem most advantageous to the United States and to incur any necessary expenses in connection therewith.

(5) The jurisdiction of the Capitol Police shall extend over any real property acquired under this section and such property shall become a part of the United States Capitol Grounds.

(b) For carrying out the purposes of this section, there is hereby authorized to be appropriated $1,250,000. The Architect of the Capitol, under the direction of the Senate Office Building Commission, is authorized to enter into contracts and to make such expenditures, including expenditures for personal and other services, as may be necessary to carry out the purposes of this section.

PRIVILEGE OF THE FLOOR

Mr. RANDOLPH. Mr. President, during the consideration of S. 7, I ask unanimous consent that the necessary members of the staff of the Committee on Public Works be permitted to have the privilege of the floor for the purpose of assistance to and consultation with the members of the committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLOTT subsequently said: Mr. President, I ask unanimous consent that during the consideration of S. 7 or amendments thereto, or S. 1075, two minority members of the staff of the Committee on Interior and Insular Affairs may be permitted on the floor of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. What is the pending business?

The PRESIDING OFFICER. The pending business is S. 7. The question is on agreeing to the committee amendment in the nature of a substitute.

The Senator from Maine is recognized.

Mr. MUSKIE. Mr. President, today the Senate begins consideration of a major water pollution control measure which provides for specific approaches to deal with particular kinds of water pollution problems.

S. 7, if enacted, will authorize the Federal Government to clean up disastrous oil spills which seriously jeopardize the Nation's waters and beaches.

This legislation requires Federal licensees and permittees to comply with water quality standards as a precondition of the license or permit.

Vessel sewage which fouls many of the Nation's marinas, harbors, and ports will be subject to new methods of control.

The bill authorizes the designation and cleanup of hazardous substances which present a substantial endangerment to health and welfare when discharged into the Nation's waters.

Authorizations for continued research and new authority to deal with eutrophication—the natural process of aging of lakes—and acid mine drainage are also important provisions of the bill.

Title II of S. 7 provides for meaningful consideration of the environmental policies set by the Federal Water Pollution Control Act, the Clean Air Act, and the Solid Waste Disposal Act in all federally supported public works activities. Other provisions of title II are intended to bring those environmental policies into all other programs of the Federal Government.

Title III provides for the acquisition of land for use of the U.S. Senate. This title will be discussed by the junior Senator from North Carolina (Mr. JORDAN), chairman of the Subcommittee on Buildings and Grounds.

TITLE I

For the past 6 years, Congress has recognized that the success of our effort to clean up the Nation's waters depends on an urgent commitment of organization, planning, engineering skill, and funds. We have ackowledged the need for clean water in the broadest sense. But the demand for clean water is so great and is growing so rapidly that we cannot afford to overlook any opportunity to increase the available supply of water, or to prevent and control sources of pollution which threaten the existing supply. This legislation will provide new tools to accomplish these tasks.

The provisions of S. 7 are not entirely new. While the committee has refined the language, the basic provisions of this bill are similar to those to which the

Senate gave unanimous agreement in S. 3206 last year and in S. 2760 in 1967.

Several of the features of the bill either will be discussed by other members of the committee, or are analyzed in detail in the report. I would like to concentrate my remarks on three principal provisions of title I and on title II in its entirety.

The part of title I which establishes oil pollution liability for vessels and on- and off-shore facilities has received a great deal of attention and consideration from the subcommittee and the full committee.

As introduced, S. 7 provided that liablity on vessels and on-and off-shore facilities would be based on a test of negligence with the burden of proof on the owner or operator of the vessel or on- or off-shore facility to show that a discharge of oil was not negligent.

Expert testimony to the committee indicated that while the cost of cleanup of a barrel of oil might average $75, the possibility of any single vessel or facility discharging its entire capacity was remote even in a catastrophic disaster. The figures recommended by the committee, $125 per gross ton for vessels and nonproduction facilities and $8 million for drilling or production facilities, would be adequate in the judgment of the committee, to finance the cleanup cost of the largest oil spills on record.

The type of liability to be imposed presented the committee with troublesome questions. Lengthy testimony was presented in the 13 days of hearings held by the subcommittee and extensive discussion took place in executive sessions concerning the factors which should be considered in determining the type of liability. Among those factors were: First, the effect of a rigid liability on maritime commerce; second, the availability of insurance for the owner of the vessel or the shipper of oil; and, third, the impact of different types of liability on the U.S. Government and the people of the United States.

Heretofore, maritime liability has concerned the vessel, its cargo, and its employees. Insurance covers the hull, the cargo, personal injury, and death, and has been designed to protect people who either work for, use, own, or operate a vessel. Were these risks comparable to those associated with oil pollution, the imposition of negligent liability would not be questioned. However, the discharge of oil often affects the general public, persons, and property wholly unrelated to the vessel, who have no control over it, and who have no interest in it.

It can be argued that the public interest would be completely protected only by absolute and unlimited liability; negligence and limited liability would protect only private interests. If Congress imposed negligence liability, it followed that there should be no limits on such liability.

The representatives of the insurance industry and the oil industry testified that they could not imagine a circumstance where a discharge of oil could occur without negligence. In fact, the witness for the British Maritime Insurance Brokers stated in a letter dated August 1, 1969:

> Presumable (sic) this means negligence of the shipowners servant as I read the words and surely it is realized that almost every marine casualty is caused by negligence.

Therefore, it appeared to the committee that negligence liability with a reverse burden of proof and absolute liability are similar in practical application. One practical advantage to absolute liability is the avoidance of litigation on the question of responsibility.

Parenthetically, it is important to note that this section deals only with the costs of the cleanup of discharges. The bill in no way affects the rights of third parties against the party alleged responsible for the discharge.

After deciding to recommend unlimited negligence liability and limited absolute liability, the committee then determined that some exceptions to absolute liability were justified. The committee decided that an owner or operator of a vessel or facility should not be held liable if he could prove that a discharge was caused solely by an act of war.

The committee also decided that an owner or operator should be exempt from liability if he could prove that the discharge was caused solely by an act of God about which he could have no foreknowledge, could make no plans to avoid, or could not predict. Under this exception, only discharges resulting from grave natural disasters, which could not be anticipated in the design, location or operation of the facility or vesssel in light of historic, geologic, or climatic circumstances or phenomena, would be outside the scope of the owner's or operator's responsibility.

It was brought to the attention of the committee that there have been circumstances in which a negligent act of Government was the cause of a discharge of oil. The committee decided that an owner or operator should not be held liable if he could prove that such act of U.S. Government negligence was the sole cause of discharge.

Finally, the committee included a discharge which occurs solely due to an act of a third party.

The committee decided that while the owner or operator should not be liable if he could prove that a discharge was caused by one of these acts, it was also necessary that such exceptions be allowed only when the owner or operator proved the discharge to be solely the result of one of the exceptions. Any culpability on the part of the owner or opertor would vitiate the exception.

The committee recognized that no discharge of oil from a vessel, affecting the coastal waters of the United States, has approached the liabilities imposed by this bill. However, the risk of such spills and the possibility of major catastrophic discharges from on-shore or offshore facilities or from oil drilling operations must be considered.

During hearings in Washington and throughout the country, representatives of local governments, industrial concerns, community and conservation groups, and the public have questioned repeatedly the justification for requiring compliance with water quality standards in their activities when Federal agencies are not subject to a similar requirement.

If the Nation is to have an effective water pollution control program or any effective environmental control program whatever, Federal agencies must consider the environmental aspects of their programs as a matter of first priority.

Recognizing that point, Mr. President, this committee, under the leadership of the distinguished Senator from Delaware (Mr. Boggs) has pressed for years for an upgrading of the performance of the Federal Government in the field of pollution control and environmental improvement.

S. 7, as reported provides an orderly mechanism for insuring that all Federal activities will comply with the philosophy and intent of the Nation's water quality program. This section calls for Federal agencies to control their own wastes and to require control by Federal licensees and permittees. This task will be neither easy nor inexpensive. Nevertheless, the committee expects that it will be accomplished.

The existing water quality standards program envisions preventive policies rather than abatement procedures as the best method of pollution control. This provision of S. 7 applies that policy. It does not impose an unjust burden on any applicant for a Federal license or permit, since the committee assumes that Federal licensees and permittees, like any other organization or individual that intends to use the waters of the United States, will anticipate pollution control in the construction or the modification of any facility.

The committee expects that communication between the applicant and the appropriate pollution control agency relative to the planning of any facility which will affect water quality will take place at the earliest possible time. Site location is an essential aspect of the effective implementation of the Nation's water quality program. There are some sites where no such facility should be constructed because pollution control technology is not adequate to assure the maintenance and the enhancement of water quality. Those who make decisions concerning site locations should be aware of this fact and deal with it before making any investment in new facilities.

Waste from watercraft is one of the many sources of pollution that have an impact on the water quality of our Nation. This pollution is most severe in bays, lakes, harbors, and marinas where the concentration of vessels is heaviest and where there is minimum natural dilution of contaminants. The increasing use of our waterways will further compound these problems. This new section provides for the economic and practical control of discharges of raw or inadequately treated sewage from vessels into the navigable waters of the United States at the earliest possible date.

The committee recognized that many States have moved to control inadequately treated or untreated discharges of waste from vessels and praises the efforts of those States. However, conflicting regulations and standards for marine sanitation devices present a hardship to recreational boaters who move between States and present potentially serious restrictions on the interstate movement of commercial vessels.

In order to avoid these difficulties, the committee has provided for Federal preemption of the authority to regulate the design, use, manufacture, and installation of marine sanitation devices. No State shall have authority to require any device of any kind on any vessel subject to the provisions of this section after the effective date of the standards and regulations.

The committee is nonetheless aware of the necessity to relate any sewage treatment control measure to existing water quality programs. Consistent with this philosophy, the committee has provided authority for the States to prohibit entirely the discharge of any sewage from vessels without regard to the regulations set by this act if an approved plan for the implementation of water quality standards requires such restrictive measures.

This exception is not intended to be broadly construed. A State cannot prohibit vessel waste discharges for all of its rivers, lakes, and coastal waters unless the State has adopted standards which establish uses for all of those waters consistent with an absolute prohibition. The committee intends that any State prohibition apply only to areas designated for the protection of public drinking water supplies, shellfish beds, and areas designated for body-contact recreation.

The committee expects that the States will provide alternative facilities for disposal of sewage from vessels wherever necessary.

This provision is substantially the same as that passed by the Senate and the House in 1968 and evaluated in the report language found in Senate Report No. 1371 of the 90th Congress which accompanied S. 2525.

The provision for acid mine drainage which was included in S. 2760 in 1967 as two sections has been combined into one section authorizing $15 million for both research and demonstration programs and is substantially the same as provisions passed in 1967.

The clean lakes provision, originally sponsored by Senators WALTER MONDALE and QUENTIN BURDICK, has been expanded to authorize the development of necessary research facilities but is otherwise identical to the legislation which passed the Senate unanimously in 1967.

The committee was also confronted with the dilemma of how to deal with the problem of the discharge of hazardous substances—other than oil—which present an imminent and substantial endangerment to the public health and welfare, but for which there is no clear Federal clean-up authority. The record on this subject was inadequate. Information indicated only that such discharges do occur and that the damage caused by such discharges of oil and other materials is often extensive. The list of discharges of oil and other materials since January of this year, on page 59 of the report, records several discharges of hazardous substances.

S. 7, as reported, authorizes the President to designate as hazardous any substance, the discharge of which in any quantity presents an imminent and substantial endangerment to public health or welfare, and to require notice of the discharge of any such substance after such designation. The Federal Government is authorized to clean up those discharges where practical. The committee recognized that many of the substances which will be designated are water-soluble or for other reasons cannot be cleaned up effectively. This section will primarily serve to notify downstream water users of a dangerous discharge.

The committee expects a report from the President by November of 1970 which will discuss the types and amounts of liability which should be imposed to recover the cost of cleaning up hazardous substances. The findings of that will be the subject of future legislation.

The committee has included in this legislation a provision offered by Senator STEPHEN M. YOUNG and identical to one passed by the House of Representatives. It provides relief for the citizens of the Great Lakes area who are confronted with a rapid deterioration of their vital water resources.

This section authorizes the Secretary to grant up to 75 percent of the cost of projects demonstrating new methods to control and eliminate pollution in the Great Lakes drainage basin. There is no question that this legislation is essential. The Great Lakes are perhaps the Nation's most vital inland water resource, yet Lake Erie is dying and Lake Michigan is the subject of serious concern. No Federal dollars will be better spent than those which produce effective methods to deal with the critical problems of the Great Lakes, for not only will those dollars help remedy an already critical situation but they will undoubtedly demonstrate methods which can be used to prevent the accelerated eutrophication of other lakes and reservoirs which are equally important to other regions of the country.

The committee has been increasingly concerned about the availability of trained technical personnel to operate sewage treatment plants. As a result of that concern the committee authorized a study of manpower and training needs in the Clean Water Restoration Act of 1966. That study was transmitted to the Congress in mid-1967 and was printed as Senate Document No. 49 on August 31, 1967. On the basis of that report, which indicated a demand for 18,500 new plant operators and the need to upgrade the skills of many existing plant operators, and on the basis of another report prepared for the Subcommittee on Air and Water Pollution by the General Accounting Office on the effects of inadequately trained personnel on the operation of federally assisted sewage treatment plants, the committee was pleased to receive and include in the bill a proposal by Senator HUGH SCOTT to authorize pilot programs for training plant operators and technicians.

The committee recognizes that a great deal more than a pilot program will be required if Federal funds for sewage treatment plant construction are invested wisely, but it believes that experience with a pilot program would provide a sound base for expanded legislation in the near future.

Title I of S. 7 is as significant as any water pollution legislation ever reported by the Committee on Public Works. It provides authority to deal with a variety of critical yet definable water pollution problems. Unlike prior measures which have been reported by this committee, title I does not develop a new policy for water pollution control but rather provides additional tools to implement the national policy of water quality enhancement established by the Water Quality Act of 1965. Effective control of water pollution cannot be obtained without these additional preventive and enhancement measures. The sources covered by this title require specific attention.

TITLE II

In recent years, and especially since 1963, Congress has developed a strong policy for the enhancement of environmental quality. This policy is based on the knowledge that man and his environment are closely interrelated and that environmental quality is necessary to the improvement of living standards for all men—and, indeed, possibly for the survival of the human race.

The legislation which has formed this broad policy has been developed through the efforts of many congressional committees, including the Senate Committee on Agriculture, Banking and Currency, Commerce, Finance, Government Operations, Interior, Labor and Public Welfare, and Public Works. Participation in this development has been broad-based because the problems of environmental quality transcend artificial divisions of committee jurisdiction.

Much of the substantive legislation in this area has come from the Public Works Committee and its Subcomittee on Air and Water Pollution. The committee's work has resulted in the Clean Air Act of 1963, and the 1965 and 1966 amendments; the Air Quality Act of 1967; the Water Quality Act of 1965; the Clean Water Restoration Act of 1966; and the Solid Waste Disposal Act of 1965.

Originally drafted to meet specific pollution problems which demanded immediate abatement actions, legislation from the Public Works Committee evolved to the point where it is based on the concept of the prevention of pollution and the enhancement of the quality of the air, water, and land environment.

A strong partnership among governmental agencies at the Federal, regional, and State levels is the basis for this broad strategy. The States have been delegated the primary responsibility to protect and enhance the quality of the environment within their jurisdictions and—in cooperation with neighboring States—within river basins and air sheds common to those States. Water and air quality standards are to be adopted, implemented, and enforced at the State and regional levels on the basis of criteria promulgated by the Departments of the Interior and Health, Education, and Welfare. The Federal Government has the responsibility to develop these criteria; to act to set or enforce standards where States do not fulfill their obligations; to conduct research to improve our understanding of environmental threats and develop new means of

protection; and to protect the environment in the conduct of its own activities.

The opportunity to act first has been given to the States because the national policy of environmental enhancement recognizes the need to involve individual citizens and communities in any decisions concerning the environment in which they live. The best way to put this policy into practice—to make participation in the decisionmaking process as close to individual citizens as possible, within the guidelines of the criteria.

The committee has emphasized, however, that the opportunities for local control are not open-ended. If the States and regions fail adequately to carry out their responsibilities under these sets or are unable to do so, the Congress has expressly authorized the Federal agencies administering these programs to assume the responsibilities.

The States cannot succeed in meeting their obligations without the complete cooperation of all Federal departments and agencies. The Federal responsibility to protect the environment in the conduct of its programs which are not subject to State regulation has often gone unmet. This shortcoming is present in every Federal department and agency and is in direct conflict with the Nation's environmental policy and the purposes and provisions of the legislation which has developed that policy.

It is clear that there is no one answer to the problem of environmental regulation of the Federal Government's own activities. The committee believes that it is the responsibility of each standing committee in Congress to examine carefully the activities of those departments and agencies within its jurisdiction and to insist that the policy of the enhancement of environmental quality is strictly followed.

The Public Works Committee is committed to reviewing all legislation and Federal activity under its jurisdiction with these duties in mind and expects to initiate this review during this Congress. Furthermore, title II of S. 7 explicitly requires that all federally supported public works projects and programs be planned, developed, and administered with full consideration of their impact on our air, water, and land and with strict adherence to the national policy of environmental enhancement.

More and more public officials and individual citizens share this concern of the committee and have recognized the need for the integration of environmental consideration in all programs and policies of the Federal Government. We are confronted with problems of accelerating environmental deterioration on the one hand, and the inadequacies of our public and private institutions to deal with these problems on the other.

The Public Works Committee has focussed on several measures designed to remedy these inadequacies and has concluded that the problems of management are even more urgent than the problems of organization. Therefore, the committee has proposed in title II an Office of Environmental Quality in the Office of the President. This office would have the management capability to bring coherence and consistency into the environmental activities of the Federal Government. The committee has given careful study to other proposals and has concluded that an independent environmental staff in the Executive Office of the President is crucial to the effective coordination and administration of all Federal programs in line with the Nation's policy of environmental enhancement.

The Office of Science and Technology presently supplies the staff for the President's Cabinet Council on Environmental Quality. Unfortunately, the Office of Science and Technology has widespread responsibilities, is thinly staffed, and must look to the departments and agencies of the Federal Government for staff assistance. Thus, the advice and assistance the President receives concerning the programs and policies of the Federal agencies comes from the agencies themselves. No matter how well intentioned, this arrangement will not produce a critical and independent review of Federal departments and agencies.

No Federal department or agency which is not primarily oriented to environmental matters can be expected to have either the sufficient expertise or the proper perspective to evaluate their own programs satisfactorily by themselves. This assumption is the basis for both section 16 of title I and the provision establishing the Office of Environmental Quality in title II.

The most difficult task facing the President and the Congress in the area of environmental quality is the review and analysis of the administration of the environmental programs and policies of the Federal Government, a function which should be coordinated from the Office of the President. The committee strongly feels that the President requires a competent, independent staff, not affiliated with any other Federal agency, to accomplish this purpose.

The Office of Environmental Quality would provide the independent staff required by the new Cabinet Level Council and would make available to the President the professional competence to review and analyze all programs and policies relating to the air, water, and land environment. The office would also provide reports on environmental issues to the appropriate committees of Congress, the Council, and the public.

The bill reported by the committee does not tell the President how to organize his administration to deal with environmental problems. It provides him with staff for whatever arrangement he determines most appropriate to his approach to the administration of the executive branch.

One of the principal advantages of this legislation is the recognition that progress can be made in enhancing the quality of the environment only if the national policy has the full support of both the President and the Congress. The Office of Environmental Quality should increase the capacity of the President to support that policy.

Mr. President, I conclude what may appear to be a lengthy analysis of the bill, but which, in fact, in the light of its broad coverage, is a brief analysis of the bill.

I would like, at this time, to express my appreciation to all members of the committee, but specifically, to the distinguished Senator from West Virginia (Mr. RANDOLPH), chairman of the full committee, the distinguished Senator from Kentucky (Mr. COOPER), the ranking Republican member of the full committee, and my good friend and longstanding right hand in this fight against pollution, the distinguished Senator from Delaware (Mr. BOGGS), for the excellent cooperation which we have had.

I must say that our experience with this bill has been one of the most reassuring that I have had in my years in the Senate and in my years of dealing with this kind of legislation.

We had long hearings, but, more than that, we had extensive executive sessions beginning in March and continuing through June and July—sessions which were attended most of the time by the full membership of the committee, all of whom participated in the discussion of problems which surfaced in an effort to come to grips with them and solve them soundly, from the legislative point of view, without regard to partisan considerations. I do not believe there is a partisan comma in the bill. It reflects the work of members on both sides of the aisle, and for them I would like to express my appreciation, through Senator BOGGS, to all his colleagues on the Republican side of the committee.

I yield to the distinguished Senator from Delaware.

Mr. BOGGS. Mr. President, I thank the distinguished Senator from Maine, chairman of the subcommittee and manager of this bill, for his very kind and generous remarks.

I rise to support S. 7, the Water Quality Improvement Act of 1969, and to associate myself with the remarks of the distinguished Senator from Maine (Mr. MUSKIE), chairman of the Subcommittee on Air and Water Pollution.

Under his able and thoughtful leadership, we have conducted an exhaustive investigation into the various aspects of the water pollution problem and we have written a bill that I consider as important as any seeking to enhance environment quality that will come before the Senate for many years.

Before I discuss the merits of this legislation and try to further clarify some points that may be of interest, I wish to thank the Senator from Maine (Mr. MUSKIE) and the other members of the committee for their efforts on behalf of the bill. I also wish to thank especially the distinguished chairman of the full committee, Senator RANDOLPH of West Virginia, and the distinguished ranking minority member, Senator COOPER of Kentucky. They both have been great to work with, and they each have contributed so much in the consideration and writing of this proposed legislation

It has been a great privilege to work on this committee and serve with the distinguished chairman of the subcommittee, who is recognized as an able leader in this field. As he has stated so eloquently, there has been completely bipartisan ap-

proach in the consideration of the provisions of this bill. This bipartisan cooperation began with the introduction of the bill, and went through the hearings, the markup, to the bringing of this bill from the committee to the floor.

We have sought legislation that will meet a need—a pressing need. And in this effort, we have received great work and cooperation from the committee staff.

The chairman of the subcommittee has already discussed the need for legislation that will obligate the owner of a vessel or a drilling facility to clean up an oil spill. I shall not detain the Senate by restating his persuasive arguments. However, I should like to point out that such legislation is not new to the Senate. These provisions are an outgrowth of S. 2760, which passed the Senate in December 1967. This earlier legislation imposed unlimited dollar liability for oil clean-up costs, with an exception for acts of God. S. 7 places a dollar limit on liability, except when negligence is proven, and exempts acts of God, acts of war, acts of Government, and acts of a third party. These were limitations that were discussed at great length in committee, and raised repeatedly in hearings with representatives of the oil and shipping industries. It was the committee's belief that such exemptions have the effect of protecting the public in nearly every case, while safeguarding private interests at rare times of great disaster.

There is one important point I should like to add in relation to the oil cleanup liability section of the bill. The emphasis in this section is on the word "cleanup," not "liability." It is the intent of this legislation, and I cannot stress this point too strongly, that the polluter should clean up any oil spill on his own, and that the Government should not need to act. The Government should take action only when the polluter fails, himself, to take prompt and effective action. This is a responsible approach, fitting the sense of public responsibility held by the vast majority of American businesses.

In Delaware, my home State, I recall an incident when an oil barge of the Hess Oil Co. ran aground off Rehoboth, spilling oil. Hess Oil went in at once and cleaned up that spill, spending its time and effort and not throwing the burden on the Government. That is what this bill seeks to encourage. The liability standard only will take effect, I feel certain, in the rare cases of businesses that lack this public spirit.

That 1967 legislation and a bill that the Senate passed in July 1968, S. 3206, dealt with many other aspects of water pollution also handled in the current bill. This bill, S. 7, and the previous legislation, authorizes research and development on problems of lake pollution, demonstration projects for controlling acid mine drainage, and provisions insuring cooperation among all Federal agencies in maintaining water quality standards.

Last year's legislation contained a provision authorizing a national standard for devices to treat sewage from vessels. A similar provision appears in S. 7. I should point out that the new legislation adds wording that gives to each State the right to bar vessel discharge where necessary to protect that State's waters for such purposes as drinking, recreation, shellfish production. This is a right the States should have. This means that if water quality at a specific location would be degraded below applicable water quality standards by a discharge, treated or otherwise, the State may prohibit the discharge in that area to protect the lake, marina, oyster bed, or municipal water intake location.

Some boatowners have argued that States would act capriciously, and establish a variety of restrictive standards in their waters. This cannot happen. There would be only two standards: A discharge standard and a no-discharge standard. When an automobile driver crosses State lines on a trip, he is required to know a new set of laws. Why is it any more of a burden for a boatowner to know where there is a discharge and where there is a no-discharge policy in another State he intends to visit?

It should be emphasized further that the language permits a discharge prohibition only when "applicable water quality standards require such prohibition." Thus, if a State acts capriciously, the boatowners may go to court to halt such unreasonable action by the States.

This provision has created some controversy among boatowners. They argue the provision gives States the rights to bar discharges in some locations, an unnecessary restriction on boatowners.

We have discussed this at great length. Following the filing of the report on this bill, I received a letter from an executive who had forcefully brought to committee members his objections to the S. 7 discharge language. The letter says:

> I also believe that if the administrators will follow the intention and guidance of the Committee, as I understand it in the Report, and if common sense and practicality prevails, the owners and operators of both recreational and small commercial vessels will be able to live with the situation and will be glad to cooperate toward the objective that we all have, namely, cleaner waters for the use and enjoyment of everyone in our great country.

I discuss these several points and their legislative history to demonstrate that the pending legislation holds a direct inheritance from legislation previously adopted by this body.

The distinguished Senator from Maine has discussed many of the new provisions, such as the authorization of a study on cleanup of other hazardous substances, plus a most essential provision establishing in the White House an Office of Environmental Quality. I endorse these portions of the bill, as I do the entire measure, but, in addition, there is one further provision of the bill I wish to mention briefly. This is section 16(g), dealing with manpower training, suggested to the committee by the distinguished minority leader, Senator SCOTT. The cost to implement this provision is small: $5 million during this fiscal year, $7.5 million in fiscal 1971. But the rewards should be great. The paragraph authorizes pilot projects to train technicians to operate sewage treatment plants. The Federal Water Pollution Control Administration estimates that these funds will finance the training of 9,000 technicians, toward filling a national shortage of 30,000 such technicians. This will offer to the Nation greater assurance that the waste treatment plants we are building under the Clean Water Restoration Act of 1966 will not stand idle or inefficiently utilized. As we look ahead toward the enhancement of our environment, this training section should have an impact for good far beyond its cost.

For the reasons that I have enumerated, I am happy to support this legislation. I urge my colleagues to give it orderly consideration, and I hope they will support it. It is most essential legislation.

I again, in conclusion, wish to thank the distinguished chairman of the committee, the Senator from Maine (Mr. MUSKIE), for his outstanding leadership and ability, and for the great privilege it has been to work with him and the other members of the committee on this legislation.

Mr. SPONG. Mr. President, will the Senator yield?

Mr. MUSKIE. I thank my good friend from Delaware, and I appreciate his comments. I shall yield in a moment to the distinguished Senator from Virginia (Mr. SPONG). Before I do, however, I should like to say, in response to something the distinguished Senator from Delaware has said, that I neglected to give appropriate credit to the distinguished Senator from Kansas (Mr. DOLE) for the provision in the bill dealing with hazardous substances. He took a special interest in that matter, and developed the amendment and presented it to the commitee, and I should like to give him full credit for that provision.

Mr. BOGGS. I join with the distinguished chairman.

Mr. MUSKIE. I yield to the Senator from Virginia.

Mr. SPONG. Mr. President, the bill before the Senate represents a forward-looking response to the national concern over the deteriorating condition of our water resources.

The measure is the product of most careful consideration by the Subcommittee on Air and Water Pollution, and its parent Committee on Public Works. We are indebted to the leadership of the Senator from Maine (Mr. MUSKIE) and the Senator from West Virginia (Mr. RANDOLPH) during the development of this important and far-reaching legislation. We also are grateful for the contributions made by Senators COOPER, and BAKER.

Because I represent a coastal State, I am particularly interested in those provisions of the bill which deal with oil pollution, thermal pollution, and the discharge of wastes from vessels.

After lengthy deliberations, the committee decided to recommend absolute liability upon vessel owners or operators for the cleanup costs of oil spills. Liability would be limited to $125 per gross ton of the offending vessel or $14 million, whichever is lesser. This concept places the risk on the responsible party, not innocent third parties and the general

public. Our objective was to protect the taxpayers from potential clean-up costs, without imposing liability in excess of reasonable risks. It is the understanding of the committee that the limits in the bill are sufficient to cover the costs of the most expensive spills.

Fortunately, there have been no spills from vessels in the coastal waters of the United States which even approach the limits. Moreover, the outer limit of $14 million would be sufficient to cover the liability, at $125 per ton, of any vessel presently capable of using U.S. ports. However, the committee was of the opinion that the danger from potential spills from vessels, as well as from onshore and offshore oil facilities, should be taken into account in the development of this legislation.

The owner or operator, not the Government, would be given first opportunity to clean up a spill. If an owner or operator later proved the discharge was caused solely by an act of God, an act of war, negligence on the part of the U.S. Government, or an act of a third party, he could recover his costs from the Government.

If the owner or operator failed to act, the Government would clean up the spill and be entitled to recover its costs. If the Government could prove a spill is the result of negligence or a willful act, it would be entitled to recover all costs regardless of the liability limits.

Vessel owners or operators would be required to provide evidence of financial responsibility of $100 per gross ton for vessels over 300 gross tons. The committee believes that the exceptions it has recommended with respect to absolute liability will enable owners or operators to obtain insurance to cover their financial responsibility of at least $100 per ton. Owners or operators may then determine the extent to which their risk may exceed their insurance coverage, or self-insurance.

The liability standards for offshore and onshore facilities are similar to those for vessels. However, liability would be limited to $125 per ton of oil which any processing, transporting or transferring facility can pass through in a 24-hour period, or which can be stored by the largest unit of a tank farm. The limit for drilling-production facilities would be $8 million.

The vessel pollution section provides for Federal preemption of authority to regulate the design, use, manufacture, and installation of marine sanitation devices. The committee adopted this approach to avoid a proliferation of conflicting State regulations which would work a hardship upon recreational boaters who enjoy the waters of several States.

However, in order to relate this section of the bill to the water quality standards of the States, the committee has proposed that States be allowed to prohibit the discharge of any sewage from vessels in areas where such a restriction is necessary for the implementation of applicable water quality standards. The committee has emphasized in its report on the bill its intention that a prohibition should apply only to areas from which public water supplies are drawn, to areas where there are shellfish beds, and to areas designated for body contact recreation. In other words, a prohibition against discharges must be tied to water quality standards.

The section would not apply to ships and boats which do not have installed toilets. In addition, the committee recognizes, because of shortcomings in technology, that it may be necessary to waive the applicability of the standards for various classes, types, and sizes of vessels. It obviously will be necessary to exercise common sense in the administration of this aspect of the legislation. This is not to suggest, however, that there should be footdragging in the implementation of the program.

The Secretary of the Interior would be empowered under the vessel pollution section to develop performance standards indicating what a sewage treatment or holding device must accomplish to be acceptable for marine use. Because of its expertise in marine engineering and design, the Coast Guard would be vested with enforcement authority, and with authority to develop regulations governing the design, installation and operation of marine sanitation devices. The Coast Guard is particularly well suited to administer these matters; it has the capability to work out a practical and workable system of implementation.

Mr. President, I hope the Department of Defense will expedite its program to equip naval vessels with sanitation devices, and will request the funds necessary to carry out the intent of this legislation. Pollution from Navy ships constitutes a substantial problem in many of the country's ports. The Navy has a public responsibility to demonstrate by continuing affirmative action its willingness to cooperate in the effort to resolve environmental problems.

The bill takes a preventive approach toward activities over which the Federal Government already exercises a degree of control. Section 16 is directed primarily at thermal discharges, and pollution from dredged spoil.

Applicants for a Federal license or permit to build or operate any facility which might discharge pollutants into navigable waters would be required under the section to provide certification of reasonable assurance that the facility will comply with applicable water quality standards. In most instances, the certification would come from the State in which the discharge occurs.

Nuclear-power electric generating facilities and other activities requiring more than one Federal license or permit would be required to provide only one certificate of compliance, unless there is a change in the nature or design of the activity, or a change in the water quality standards applicable to the waters involved.

There is provision for the suspension or termination of a certificate in the event a court of competent jurisdiction finds that a facility is operating in violation of water quality standards.

Pollution from dredging posed a special problem to the committee because only one State has developed water quality standards for temporary turbidity and the disposal of spoil resulting from this activity. The committee recommended that certification not be required as a precondition of a dredging permit until such time as the States have developed appropriate water quality standards. However, at any time following the development of water quality standards for dredging, an applicant for a new license or permit would be subject to other provisions of the section.

Mr. President, S. 7, the Water Quality Improvement Act of 1969, is a major piece of legislation carried over as unfinished business from the 90th session of Congress. The measure is not punitive. The committee's overriding interest in the development of the legislation was to establish procedures which will be helpful to preserve and protect our water resources.

Our existing laws have serious gaps which threaten the success of our efforts to abate pollution. This bill will fill the gaps. It will go a long way toward putting the responsibility for pollution control where it rightfully belongs—on the polluter.

I again commend the distinguished Senator from Maine (Mr. MUSKIE) for the leadership he has afforded.

Mr. MUSKIE. I want to thank the distinguished Senator from Virginia for his continuing interest and dedication to solving the pollution crisis. He has been a diligent contributor to the subcommittee's work in this area and the full Senate is indebted to him.

Mr. LONG. Mr. President, I applaud the Senate Public Works Committee and its distinguished chairman, Senator RANDOLPH, and the chairman of its Subcommittee on Water Pollution, Senator MUSKIE, for the devoted efforts they have made since the beginning of this Congress to meet the mounting public concern over the depletion and spoilage of our waterways by various types of pollution. Obviously, it is in the national interest of update and extend the requirements and prohibitions of the Federal Water Pollution Control Act and to assure that, for centuries to come, the water resources of the United States will meet the highest possible standards of purity.

However, as chairman of the Senate Merchant Marine Subcommittee and as one who only last week urged the Senate to provide millions of dollars of additional Federal funds for the construction of new merchant ships to save our merchant fleet from sinking into almost total obscurity, I feel I must express my deep concern regarding the very adverse effect the provisions of sections 12(f) (1) and (2) of S. 7 might have upon the ability of the American merchant marine to continue to operate at all.

As I read section 12(f)(1) of the bill, in the event a vessel of the American merchant marine is involved in an oil spill which its owner cannot prove was caused by, first, an act of God; second, an act of war; third, negligence on the part of the U.S. Government, or, fourth, by an act of a third party, the owner is automatically liable to the United States for the actual costs of the clean-up, up

to an amount equal to $125 per gross ton of the vessel or $14,000,000, whichever is lesser. If, on the other hand, the Government can show that such discharge was the result of simple negligence on the part of the vessel, then the vessel owner is liable to the United States "for the full amount of such costs," even if they far exceed $14,000,000.

Section 12(f)(2) of the bill, however, permits vessels of the American merchant marine to sail if they are able to establish "financial responsibility" (in the form of insurance or a bond) of only $100 per gross ton for any and all oil cleanup costs. Thus, under the bill, a vessel of 10,000 gross tons is authorized to sail if it can establish to the satisfaction of the Federal Government that it carries $1,000,000 worth of insurance for oil cleanup costs; while a vessel of 100,000 gross tons, including tankers, is permitted to sail if it carries $10,000,000 of insurance to cover cleanup costs in the event it becomes involved in an oil spill.

Clearly, therefore, S. 7 makes vessels of the American Merchant Marine subject to liabilities ranging up to $125 per gross ton for oil cleanup costs while the bill simultaneously requires them to carry insurance of only $100 per ton—and the first mentioned liability of $125 per ton can arise even in cases where an oil spill occurs without any negligence whatsoever on the part of the vessel owner or operator involved.

Indeed, if negligence is proved to exist, under S. 7, the owner has an unlimited liability, whereas, as indicated, the bill permits him to sail with insurance in an amount equal to only $100 per ton.

Obviously, it this were only an oversight or mistake in the drafting of this bill, it would be a simple matter to correct it here on the Senate floor. We could merely increase the "financial responsibility" requirement of section 12(f)(2) to $125 per gross ton, and then, absent negligence, American merchant marine vessels would be covered against at least the minimum, automatic liability provisions of section 12(f)(1). The "unlimited liability" exposure would thereby be limited to cases of proved negligence only.

Unfortunately, however, I am advised that these serious, substantial liability differences are not the result of mistake at all. On the contrary, it is my understanding that section 12(f)(2) enables American vessels to sail with proof of "financial responsibility" of only $100 per gross ton because, in fact, that is the maximum amount of insurance for oil cleanup costs which can be obtained, both here in the United States and from all of the other worldwide marine insurance underwriters located in England.

Thus, if S. 7 required each and every American vessel to establish "financial responsibility" of $125 per gross ton under section 12(f)(2), the result would be that most American vessels would have to remain in port, that is without insurance—and thus without clearance from the Government under S. 7—they would be unable to sail. S. 7, as I have said, avoids that catastrophe by limiting the "ability to sail" requirements to only $100 per ton—that is, to a clearly insurable amount.

But, simultaneously section 12(f)(1) of the bill goes on to provide that, when and if an oil spill actually occurs, the American vessel is liable for cleanup costs up to $125 per ton; that is, in an amount which apparently S. 7 itself recognizes to be uninsurable. And, of course, if $125 per ton is not insurable, it follows, as day follows night, that unlimited liability for a negligent oil spill is equally uninsurable beyond the $100 per ton figure mentioned before.

The result for the American merchant marine is obviously intolerable and it promises to force many of the smaller vessel operators out of business. In effect, each vessel operator must, under S. 7, become a self-insurer for the difference in liability between $100 per ton, which is insurable, and the unlimited amount of liability which can be assessed against him in the event of a negligent oil spill.

Thus, in a moment, a small operator whose vessel is insured for only $1,000,000 can, under S. 7, become liable for $14,000,000 or more in oil cleanup costs if his vessel unavoidably collides with an oil tanker off the coast of the United States. Sudden liability in such a staggering uninsured amount would immediately bankrupt most American shipping concerns which are struggling to continue to remain in business today.

And, sadly, the inability of such a vessel to pay the oil cleanup costs assessed against it would still leave the United States in the position where it would have to pay the costs of the oil cleanup itself.

For all of these reasons, therefore, as chairman of the Senate Merchant Marine Subcommittee, I have come to the conclusion that the better solution, for both the United States and the American merchant marine, would be to adopt the provisions of section 17(e) of H.R. 4148, which the House unanimously passed on April 16 of this year, whereby each vessel of the American merchant marine would be held liable for oil cleanup costs in the clearly insurable amounts of $100 per gross ton or $10,000,000, whichever is lesser, unless it is able to prove affirmatively that it had no responsibility whatsoever for the oil spill which made the cleanup necessary in the first place.

Under the House bill, the liabilities assessed are clearly insurable and funds will thus be available up to those insurable limits to defray for the United States at least the statutory portion of all oil spill costs for which a vessel of the American merchant marine is responsible.

Because of the very complicated situation which has been created for all concerned by the conflicting provisions of section 12(f) of S. 7 mentioned above, I shall not endeavor by amendment here on the Senate floor to resolve that which the committee has been unable fairly to rectify after months of consideration. However, because the two differing versions of this legislation will ultimately have to be ironed out in conference, I strenuously urge the Senate conferees to keep in mind during those crucial deliberations the existing plight of our American merchant marine; the fact that it is presently at its lowest ebb in modern history and is thus unable to self-insure risks far beyond that which the marine insurance industry will dare to underwrite; that the merchant marine is vital to the national defense of the United States; and that both Congress and the administration are currently seeking to establish programs whereby hundreds of million of dollars of Federal funds will be spent on ship construction simply to keep the merchant marine alive. In the face of these conditions and developments, it seems academic to me that we should not simultaneously proceed to try to drive large segments of the industry out of business by saddling its fleet with statutory liabilities which cannot be insured either here in the United States or abroad.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement which was prepared for delivery today by the Senator from Alaska (Mr. GRAVEL), who is necessarily absent.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR MIKE GRAVEL

Mr. President, I would like to associate myself with the remarks of the distinguished Chairman of the Senate Merchant Marine Subcommittee. Like him, I strongly favor and support the basic purposes of the pending legislation which are to combat pollution of our nation's waters and to provide means whereby cleanup costs connected with damaging oil spills or oil leaks along our coastlines will be defrayed, to the maximum extent possible, by those who are actually responsible for such water pollution. My State of Alaska is obviously deeply concerned over the possibility of such catastrophes and thus I join the Senator from Louisiana in congratulating the distinguished Chairman of the Public Works Committee, Senator Randolph, and the brilliant Chairman of the Senate Subcommittee on Water Pollution, Senator Muskie, for the untiring efforts they have made to bring this bill to the floor for early action.

At the same time, I am also deeply disturbed by those provisions of Section 12(f) of the bill which require all vessels over 300 tons which utilize American ports or waterways to establish "financial responsibility" for oil cleanup costs of only $100. per gross ton, but which simultaneously provide that, in the event of an *actual oil spill*, the vessel's statutory liability for cleanup costs, depending on the circumstances involved, might be as high as

(1) $125 per gross ton, or

(2) an unlimited sum equal to the "full amount" of such cleanup costs, regardless of how large that amount might be.

My concern regarding these provisions of Section 12(f) would not be so profound if evidence were available that adequate marine insurance could be obtained by all vessels of our merchant fleet to cover these statutory risks and liabilities. Unfortunately, however the testimony presented before the Senate Public Works Committee on this subject, by both the American and British marine insurance industries, was to the contrary. Indeed, during the past several days, as a member of that Committee, I have received copies of letters addressed to our Chairman by representatives of the British insurance underwriters (companies which I understand actually underwrite most of the marine insurance around the world) stating that "the capacity of the market to insure this kind of liability at the present time is

$100 per gross registered ton or $10,000,000, whichever is the less." These letters to the Committee bluntly conclude with the statement that "Insurance above those amounts is, we are satisfied, *unobtainable*."

If these warnings from the marine insurance industry are correct, then under Section 12(f) of the pending bill, the $100 per ton "financial responsibility" requirement in S. 7 actually represents all that can be insured. It follows as the distinguished Senator from Louisiana demonstrated, that the $125 and unlimited oil cleanup liabilities, specified in the bill for assessment against any vessel in the event of an oil spill, are simply uninsurable.

What effect this "uninsurability" might have on some segments of the American Merchant Marine in their present low position of prosperity, I am unable to say at this time. Clearly, all vessels with maximum insurance of only $100. per ton will, in the event S. 7 becomes law, be sailing as *self-insurers* of the two statutory liabilities S. 7 assesses in excess of that amount. Considering the pitiful condition of our merchant fleet, it seems highly unlikely that many would be able to assume this additional risk, but even if they do, patently their vessels will be face-to-face with financial disaster, if, perchance, they become involved, innocently or negligently, in a very costly oil spill.

And, of course, just as Alaska cherishes its beautiful unscarred coastlines and thus strongly favors all measures aimed at protecting its shores against destructive oil spills, it also depends upon the maritime industry for most of its daily needs and to service the requirements of its blossoming oil industry. Therefore, we are concerned, seriously concerned, about the adverse effects the "uninsurable provisions" of Section 12(f) might have upon the Merchant Marine and upon the ability of our shipping interests to continue to operate for the well being and progress of Alaska as they have in the past.

In conclusion, therefore, what I urge here is that every possible effort be made by the distinguished members of the Public Works Committee who are and will be in charge of this legislation both here on the floor and in conference with the House, to reach some acceptable solution with reference to Section 12(f) which will (1) meet the basic needs of water pollution control but (2) establish clean-up liabilities for the Merchant Marine which are, beyond dispute and peradventure, insurable.

Mr. RANDOLPH. Mr. President, the Water Quality Improvement Act of 1969—S. 7—is another significant step toward controlling one of the major environmental problems facing this Nation. It will extend society's control over water quality and insure against further degradation of our priceless water resources both in the inland fresh lakes and streams and along our coastal shores.

Senator MUSKIE, our able and informed chairman of the Subcommittee on Air and Water Pollution, who is floor manager of S. 7, is discussing the general features of this legislation.

I shall focus my remarks on three particular sections of the measure which are especially noteworthy because they attack three of the very real water pollution problems of today. These are: acid and other mine drainage pollution; pollution from dredging operations; and oil pollution.

Acid and alkali pollution discharged into various local watercourses are carried by the natural flow of stream systems into our major river basins, thus creating extensive pollution problems, both intrastate and interstate. The specific impact of mine drainage pollution is characterized by stream sterility. This is a condition in which the normal stream ecology, or balance between living organisms and their environment, is disrupted by the presence of large volumes of acid or alkali mine drainage wastes. If the "wild" upstream portions of streams and rivers are virtually destroyed by such problems as acid mine drainage, how much hope is there that the waters reaching the major cities will be able to serve our growing population?

It has been estimated that 3.5 million tons of acid are discharged into more than 6,000 miles of the Nation's streams, resulting in damage to aquatic life and potential severe loss of recreational capacity of the waterways. In addition, untold damage occurs to vessels, dams, bridges, water and sewer works, and other facilities downstream.

The impact of acid pollution is compounded by other than direct effects on our rivers and streams. The many seepage areas around mines are barren of plantlife to such an extent that as much as 1,000 times as much sediment is washed from them into streams by erosion than from forest and grass lands. There are more than 30,000 surface acres of impounded waters and reservoirs which are seriously affected by surface and subsurface mining operations.

The most serious problem is the fact that 80 percent of acid mine drainage comes from abandoned and orphaned mines. Though laws and regulations in some States control present and future mining operations, there appears to be no simple way to achieve control over the thousands of abandoned mines.

The Department of the Interior has identified several priority areas for the major attack against acid mine drainage under this new legislation. There is, for example, a very real need for more basic research and development into the mechanisms of formation of acid mine drainage in order to find new and different methods of preventing its formation.

In addition to basic research, the Department expects to move quickly to find new techniques and mechanisms at various stages of acid drainage formation. The priorities include: development of new mining techniques to reduce or prevent mine drainage and new or improved mine drainage treatment processes, the most promising of which is the development of rapid oxidation of ferrous iron from the mineral wastes; isolation of byproducts having economic value, with a special emphasis on iron oxide; and new methods for settling and thickening sludges resulting from the neutralization of acid mine waters and new methods for economically disposing of that sludge, including possible use on agricultural lands.

Though much research has been carried out, Federal efforts have been sporadic and poorly coordinated, and current programs of practical scale reclamation are not nearly ambitious enough to meet the problem. Testimony before the committee strongly suggests that the cooperative State-Federal effort envisioned in the demonstration provisions of this bill would be an important step toward the total solution.

The bill would also add a new section to the act authorizing the Secretary of the Interior to make grants to any State, municipality, or intermunicipal or interstate agency for the purpose of assisting in the development of feasible and practical areawide methods of controlling acid pollution resulting from mining activities. Another key provision directs the use of "various abatement techniques" for acid mine water elimination or control rather than limiting the approach to a particular process. This is important because the techniques used and the relative importance of each will vary from area to area.

In the Appalachian areas where the acid mine drainage problem is most severe, quality agricultural land is at a premium. Recreational opportunities have also been limited by the relatively small number of natural lakes. Land reclamation demonstration projects could provide both new and improved agricultural land and new recreation sites near heavily populated metropolitan areas.

This new attack on acid mine drainage will benefit peoples in all parts of the Nation, from those in the depressed mining regions like West Virginia and Ohio to those who depend on the flow of clean, pure waters along the length and breadth of the country. This section of S. 7 not only assures cleaner waters, but less loss of minerals and industrial products, less sedimentation and subsequent silting of our reservoirs, better control of the topographic blight in mining regions, and more areas for farming, building, recreation, and other uses for our expanding population.

A second major area of water pollution which S. 7 will bring under control is sediment from dredging operations in the Nation's lakes and rivers. At the outset, the committee makes it clear that under section 16, all dredging—Federal, State, or private—shall comply with applicable water quality standards.

Approximately 400,000,000 cubic yards of material are dredged annually from the Federal project waterways by the Corps of Engineers. If the amounts dredged by private contractors from slips, berths, private channels and for reclamation work are added to the Federal work, it is estimated that the total may be about three-fourths billion cubic yards.

In enacting section 10(c)(3) of the Water Quality Act of 1965, Congress directed that water quality standards be prepared, considering, in the words of the act, "their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses." The Committee on Public Works has taken the further step of adding language in section 10 of the basic act to specifically include navigation.

Although turbidity, or muddiness, is included as a measure of water quality in existing standards, the committee was informed that, with one exception,

such standards were not drawn to accommodate or otherwise consider temporary turbidity relating to dredging. We noted the specific provision dealing with dredging turbidity in the approved water quality standards of Michigan as one approach to the problem. We expect the States to review their standards to deal with this problem of temporary turbidity in order to conform with the intent of section 10(c)(3) of the basic act as amended by this bill.

In order to accomplish the objective of providing for essential dredging without adversely affecting water quality, the committee expects the Secretary to provide the States with technical assistance required to evaluate both the real and potential pollution associated with dredging and disposal of dredge spoil. The pilot study of dredging and water quality problems in the Great Lakes being conducted by the Corps of Engineers should be of material assistance in this effort.

It should be noted that nothing in this bill should be construed as requiring the disposal of all dredge spoil on land. Where spoil is determined to be nonpolluting and causes no long-term environmental damage, we feel it may be properly discharged into lakes or rivers where permitted under appropriate State or Federal license.

In the interim period during which the States will be reviewing their water quality standards, no arbitrary or unreasonable restrictions shall be imposed on dredging essential for the maintenance of interstate commerce. This applies to dredging and disposal activities of private dredgers as well as the Corps of Engineers.

I feel very strongly that this vital operation must continue unimpaired for the period in which the States and the Federal Government are developing standards for temporary turbidity. There is no question that dredging activities for the maintenance of navigation in our waterways are important to the growth and vitality of the Nation. The States must develop meaningful long-term solutions to dredging, and especially to the ultimate disposal of dredging materials, if they are to continue to reap the benefits of these operations.

What this bill provides, therefore, is an interim solution to the problem, allowing a period of adjustment while the States work out their own definitions of water quality and determine the trade-off between continued water quality and necessary dredging. For the long run, however, new answers must be found for the ultimate protection of the overall quality of the Nation's waters.

On another front, S. 7 will provide broad protection against such oil pollution disasters as the one which befell Santa Barbara earlier this year. It would also provide protection against such tanker spills as the 1967 *Torrey Canyon* incident or the spill which took place in the San Juan Harbor when the *Ocean Eagle* broke up.

A vital key to the oil pollution problem is that of adequate research associated with the spilling of oil and its cleanup. A great deal of testimony before the Subcommittee on Air and Water Pollution, especially in light of the difficulties associated with cleanup in Santa Barbara, dealt with the inadequacy of technology to effectively contain and remove oil spills. Several witnesses noted that the use of straw to absorb oil on the water and on the beaches is a technique which has been available for centuries. More modern techniques such as various types of booms are often inadequate due to the nature of the tides and winds. A variety of dispersant chemicals have been applied but, because so little information existed on potential adverse ecological effects, the Department of the Interior is properly reluctant to allow uncontrolled or excessive use.

Dispersal of oil as a method of cleanup must be evaluated on the basis of possible long-term effects. Once oil is dispersed, there is potential for incorporation of hydrocarbons in aquatic organisms harvested for human consumption. The Committee on Public Works expects the Federal agencies to carry out research activities on the potential effects of accumulation of hydrocarbons in the food chain in order to determine the desirability of cleanup methods which do not involve actual physical removal of the oil.

The highest priority, therefore, is the development of effective techniques to deal with oil spills and making those techniques readily available at appropriate locations throughout the country.

The primary responsibility for research is placed in the Department of the Interior, but the committee intends that the Secretary should transfer some research functions and funds to the Coast Guard for those activities over which that agency has significant responsibility. Other agencies should be encouraged to conduct and support research along similar or different lines.

The Department of the Interior must gather and develop information on the effects of oil spills and chemicals and other methods used to disperse oil. The Department should also be investigating improved methods to control oil discharges in connection with ongoing efforts to achieve and maintain compliance with water quality standards.

This oil pollution research section is an integral part of the entire Federal effort to bring under control those types of pollution which have eluded us under the current laws. This is one of the most important parts of the overall approach of S. 7 to provide the basic framework for continual upgrading of water quality standards to insure that future generations of Americans will have access to pure, clean water.

Throughout our entire deliberations on S. 7, the Committee on Public Works followed a single strong thread, which is woven through the entire fabric of recent legislation by the committee. This thread is the committee concern for maintaining and enhancing the quality of our environment.

The heart of our concern is the growing awareness that we can no longer fail to take into consideration the effects of our activities on the total environment. As the President's Science Advisory Committee report of 1965, "Restoring the Quality of our Environment," so aptly pointed out:

> The public should come to recognize individual rights to quality of living, as expressed by the absence of pollution, as it has come to recognize rights to education, to economic advance, and to public recreation . . . There should be no "right" to pollute.

It is this awareness that brought about title II of the Water Quality Act of 1969. Title II weaves together the many strands of environmental quality which make up the pattern for a national policy for environmental quality, to insure that Americans now and in the future have that right to clean water, clean air, clean land, and freedom from physical and psychological insults of all kinds. This concept, I would point out, was embodied originally in S. 2391 which was cosponsored by myself and 41 of our colleagues in the Senate early this year.

Title II of S. 7 provides for more effective coordination of Federal air quality, water quality, and solid waste disposal programs, for the consideration of environmental quality in all public works programs and projects, and for the coordination of all Federal research programs which improve knowledge of environmental modifications resulting from increased population and urban concentration.

What we have come to realize, of course, is that environmental quality goes beyond water and air pollution and solid waste management. Assurance of environmental quality means that every man, woman, and child has the opportunity to live in a world which will in no way insult his body, mind, or spirit.

It is a sad fact that nearly all of the important and critical environmental problems—air and water pollution, the growing pervasiveness of pesticides, mounting solid wastes, the effects of smoking—have emerged as serious health problems only after a series of crises have crystallized public attention. Each of these problems has been an undesired and unforeseen byproduct of goods or services which society has wanted. But it has been our habit to take action only after a crisis develops, rather than to prevent its occurrence. We fail to heed the old saying that an ounce of prevention is worth a pound of cure.

In the past we have relied on what has been termed the "natural assimilative capacity" of nature to reprocess or destroy most of the waste of our civilization, with little concern for its long-term capability to perform this function. Only recently have we become acutely aware of the fact that we are exceeding nature's ability and capacity to reprocess the kinds and qualities of wastes which are being produced by modern technology.

The majority of the Nation's streams and rivers are no longer able to support the life which has for eons processed the wastes of man and the animals and plants upstream. Experiences in the late 1950's and early 1960's with nondegradable detergents dramatically underscored the lack of planning and understanding of our waste systems and the effects of

our newly developed materials on vital water resources.

The urgency of finding new solutions to the problems of water pollution is apparent when we reflect that by 1980 this Nation will be producing enough sewage and other waterborne wastes to consume all of the oxygen of all the flow in dry weather in the 22 river systems of the United States. At the same time the need for fresh, clean water will increase from our present consumption rate of 370 billion gallons per day to 600 billion gallons a day. The supply of fresh water is limited. The total daily flow in the United States is about 1,100 billion gallons. By the year 2000, because of population growth and industrial expansion, our withdrawal rate will be almost four-fifths of the total available supply, and we will return approximately two-thirds of the total available supply with some degree of waste.

Air pollution loomed as a major problem in 1963, when 809 people died in one air pollution catastrophe in New York City, and the Nation suddenly awoke to the perils of tainted air.

The illusion that man has conquered nature through science and technology has been abruptly challenged by nature herself. Only slowly are we beginning to realize that it is not the conquest of nature that we seek to achieve, but a harmonious balance with nature through which we may enhance the quality of human life.

There will never be—on a nationwide basis—absolutely clean air or pristine pure water. There is a necessary and acceptable amount of each pollutant that society will understand and accept. Because of varying uses of land and air and water, the right amount of pollution—the desirable compromise—is not the same everywhere. Some communities may determine the economic and industrial development is more important than fishing, and that some pollution of their streams is acceptable. Others, like the untouched wilderness areas of the great Northwest, will find that low tolerances—but not impossibly low—will be the goal for recreational areas.

The broad problems of solid waste management are just now being recognized as a crisis of gigantic proportions. Americans throw away billions of tons of solid materials each year. From our homes and offices each person contributes almost 5½ pounds of garbage and miscellaneous trash every day to our overstrained and underdesigned refuse system. The cost is more than $4.5 billion a year. And the figure will reach 8 pounds per person a day by 1980. Added to that, industrial solid waste contribute another 3.2 pounds per person per day to the environment; agricultural wastes from animal feedlots, packinghouses, lumbering operations, and related industries produce another 30 pounds per person; and 7 million automobiles are junked each year.

The thrust of these remarks is to remind my colleagues that what is important is not the isolated pollution problem nor the quick solution to an immediate crisis. We are pleased that S. 7 solves some of the problems which we have recently experienced. It clarifies and tightens Federal regulations over water pollution generally and provides rigid penalties for operations like the disastrous oil well blow-out that spilled oil on the beaches around Santa Barbara.

What we must plan for, however, is environmental quality for the future. Today, the Committee on Public Works is working with an official advisory panel of experts—scientists, engineers, and specialists from a variety of disciplines—to help determine the problems of environmental degradation before they become problems. We are assessing the impact of land mismanagement from highway construction, from urban redevelopment, from mining, or from sanitary landfills. We are looking at the question of biological imbalances created by dredging, thermal pollution, pesticides, and air pollution. And we are probing problems connected with flooding and dam construction, the effects of building reservoirs, and the use of nuclear energy for power or construction.

I am aware that the solutions to many of these problems do not now exist and that the search for technology—economically feasible technology—may be a costly one. It is for this reason that I have, as chairman of the Committee on Public Works, emphasized so heavily the importance of Federal coordination and support for research and development in all of these areas.

But the problem is not one of research in itself. Nor can it rest solely on the Federal Government. Industry, the States and local governments must take a big share in the solution, as their share in the product of a clean and wholesome environment will be large.

Today, society places higher priorities on the values of our physical environment, and these priorities must be incorporated in the technology that serves us. Americans are ready, I believe, to improve the environment, and in so doing we will build a better society for ourselves and for future generations.

S. 7—and especially title II—will provide the basis for the long-term enhancement of the quality of the environment for which we are all striving. I urge the speedy adoption of this legislation.

Mr. President, since report No. 91–351 of the Committee on Public Works was filed August 7, 1969, by the distinguished chairman of the Subcommittee on Air and Water Pollution, Senator MUSKIE, of Maine, to accompany S. 7, with amendments, several letters have been addressed to me as chairman of the committee. They offer interpretations of certain sections of the pending measure which are said to impose liabilities on shipowners which are alleged to be commercially uninsurable.

Among the communications to which I make reference is one dated August 20, 1969, from London, England, signed by 14 persons or firms noting in the first paragraph that they are "fourteen of the leading insurers of shipowners' liabilities and represent approximately 705 of the world shipping tonnage."

And, Mr. President, their letter further notes in the opening paragraph:

Even with this wide spread of tonnage it would not be possible for us to insure the liabilities we do without adequate reinsurance and to obtain this it has been necessary to have recourse to the insurance markets of the world. Therefore this letter is also written on behalf of the Reinsurers and, therefore, represents the views of the world market for the insurance of shipowners' liabilities.

Continuing, the letter's second paragraph makes this comment:

We have carefully examined S. 7, in the form reported out by the Senate Committee on Public Works on August 7th and the Committee Report accompanying the Bill, in relation to the shipowners' interests which we represent, and in the light of the insurance markets' capacity to insure the liabilities, which the Bill seeks to impose. While we have nothing but praise for the ideas behind the Bill and no criticism of most of its provisions, we most respectfully wish to bring the following facts to your notice. (1) The provisions of Section 12(f)(2)(C) relating to the rights of direct action against an insurer, *as written*, makes the liability imposed by Section 12 of the Bill *completely uninsurable*. (2) The provisions of Section 12(f)(1) imposes an *unlimited liability* for the discharge of oil resulting from negligent acts—*even those of members of the crew. Such unlimited liability is, as such, uninsurable.*

I will not read the complete letter at this time, but I will make a copy available to the manager of the bill so that he may give cognizance to it and make comments on it.

Also, Mr. President, I ask unanimous consent to have the letter from London on behalf of the 14 insurance firms printed in the RECORD at this point, together with a response I made to it September 18, 1969.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THOS. R. MILLER & SON,
(INSURANCE) LTD.,
London, August 20, 1969.

Re S. 7.

Hon. JENNINGS RANDOLPH,
Chairman, Committee on Public Works, Senate Office Building, Washington, D.C.

DEAR SENATOR RANDOLPH: We the undersigned are fourteen of the leading insurers of shipowners' liabilities and represent approximately 70% of the world shipping tonnage. Even with this wide spread of tonnage it would not be possible for us to insure the liabilities we do without adequate reinsurance and to obtain this it has been necessary to have recourse to the insurance markets of the world. Therefore this letter is also written on behalf of the Reinsurers and, therefore, represents the views of the world market for the insurance of shipowners' liabilities.

We have carefully examined S. 7, in the form reported out by the Senate Committee on Public Works on August 7th and the Committee Report accompanying the Bill, in relation to the shipowners' interests which we represent, and in the light of the insurance markets' capacity to insure the liabilities, which the Bill seeks to impose. While we have nothing but praise for the ideas behind the Bill and no criticism of most of its provisions, we most respectfully wish to bring the following facts to your notice.

(1) The provisions of Section 12(f)(2)(C) relating to rights of direct action against an insurer, *as written*, make the liabilities imposed by Section 12 of the Bill *completely uninsurable.*

(2) The provisions of Section 12(f)(1) impose an *unlimited liability* for the discharge of oil resulting from negligent acts—*even those of members of the crew. Such unlimited liability is, as such, uninsurable.*

For the sake of simplicity, we will first set out shortly what can be insured, since we cannot believe that it is the purpose of the Senate to impose on shipowners liabilities which are totally uninsurable; or that to do so is in the best interests of the people of the United States.

(1) As insurers, we have no objection to a requirement of evidence of financial responsibility, but if such provisions include the right of direct action against the insurer certain safeguards must be included in order to make such liabilities insurable.

(2) Limitation of Liability should be permitted in cases of negligence or wilful acts of a member of the crew as distinguished from those of the Owner personally or, in the case of a corporate owner, those of someone in a managerial position. We know that the capacity of the market to insure this kind of liability at the present time is $100-per gross registered ton or $10,000,000-, whichever is the less. Insurance above the maximum of $10,000,000- is, we are satisfied, unobtainable.'

We will now proceed to develop in detail the objections which we have to the two mentioned Sections of the Bill. Neither the Protection and Indemnity Associations, nor the world market Underwriters (who together make up the insurance market for shipowners' liabilities) will accept insurance of shipowners' liabilities with provisions for direct action against them unless certain safeguards are incorporated. At the very least, it would be necessary to modify Section 12(f)(2)(C):—

(a) by the inclusion of a provision placing the insurer in exactly the same position vis a vis the Government, as plaintiff, as the assured would have been in, had the action been brought against the assured; i.e. any defences which would have been available to the assured under the law would be equally available to the insurer; and

(b) by the inclusion of a provision expressly preserving to the insurer any defences which would have been available to the insurer in an action by the assured against the insurer under the policy. We attach to this letter suggested language modifying Section 12(f)(2)(C) on the lines of the language in the Draft Convention on Oil Pollution Liability, adopted by the Comite Maritime International at its Tokyo meeting last April. Without some such modification, we must repeat that the provisions of Section 12(f)(2)(C) make the Bill, from the point of view of the shipowners' liabilities which it imposes, *totally uninsurable.*

We now turn to the liabilities imposed by Section 12(f)(1). This section makes an owner liable to the United States Government for the costs of removal of discharged oil, in an amount not exceeding $125 per gross ton or $14,000,000, whichever is the lesser. The Section then continues:

"except that where such discharge was the result of negligence or a wilful act, such owner or operator shall be liable for the full amount of such costs".

These words appear to be in direct conflict with the figures of limitation given in the immediately preceding phrase, since they make a shipowner liable in an unlimited amount in every conceivable circumstance except those of act of God, act of war, act of a third party, and negligence of the U.S. Government where, under the wording of the Section, he can escape liability completely. In our unanimous opinion, and in that of our legal advisers, there is, in practice, no other case to which the purported limitation figures could apply and they are therefore meaningless.

We respectfully submit on this point, that what was quite properly in the minds of the legislators, was that a shipowner should not have the right to limit his liability in the event of *his personal negligence or wilful act* as distinguished from the negligence or willful act of a crew member. To make a shipowner liable for an unlimited amount, where he is guilty of personal negligence or willful misconduct, is in accordance with established principles of international maritime law, including the United States Limitation of Liability Act, Title 46, United States Code, Sections 183–189; however, to make a shipowner liable in an unlimited amount where the negligence is purely that of a member of the crew or other such minor employee, is to impose upon him a burden which is not only unfair but also contrary to universally accepted principles of maritime law on the basis of which marine insurance has been written for centuries. The universal distinction made in the Statutes and International Conventions relating to shipowners Limitation of Liability, is not between negligent and nonnegligent conduct, but between negligence of employees and negligence of the shipowner himself (or in the case of a corporate shipowner, negligence of someone acting in a managerial capacity, e.g., the Operations Manager of the Company).

From the evidence given to both Senate and House Committees, it is clear that such an unlimited liability is uninsurable; such a provision would have no effect whatever on the prevention of oil spills, since, in the case of American vessels at least, the owner has absolutely no choice in the selection of crew members below the rank of Chief Officer and First Assistant Engineer. Moreover, such a provision must have the effect, *as must any provision which imposes on a shipowner liabilities beyond the capacity of the market to insure,* of seriously dislocating trade to the country imposing such liabilities and of a most undesirable proliferation of single ship Companies.

As spokesmen for, and insurers of, 70% of the world's ocean tonnage, we must say to you that unless S. 7 is modified so that shipowners are not to be required to be self-insurers beyond the amounts for which they can get insurance, the Bill will make trading to the United States or between United States ports virtually impossible for many shipowners. Limitation of a shipowner's liability has been universally accepted not out of charity to shipowners but so that the people of all nations can enjoy the benefits of seaborne traffic. When limits of liability are increased to a point at which this is not possible to insure, the nation which imposes such limits is inevitably deprived of the benefits which it could reap from seaborne traffic, particularly coastal traffic, such as ability to export its goods or to receive its imports at a reasonable cost or indeed at all. If S. 7 were to become law in its present form, it would surely be a reckless shipowner who allowed his ship to enter United States waters with the liabilities imposed by the Bill uncovered by insurance and a reckless shipowner would be unlikely to be able to provide evidence of financial responsibility. As indicated to you, the practical limits of liability within the capacity of the world market to insure are whichever is the lesser of $100-per gross registered ton or $10,000,000.

You will realize from this letter that we are commenting on only two sections of the Bill. We have already respectfully submitted a rewording of Section 12(f)(2)(C) and now attach the minor amendments which in our opinion, are required in Section 12(f)(1). In our view it would be better in that Section to omit altogether the words which we have put in parentheses in our suggested redraft. These comments are made in a sincere effort on our part to make the Bill succeed and we trust that the Senate will decide to accept the short but vital amendments we have suggested.

Finally, you will know that an IMCO Convention on the whole subject of oil pollution is imminent. The Senate may well wish to consider not deferring the legislation, but including a section whereby the operation of the provisions concerning shipowners' liabilities are held in abeyance for, say, six months after enactment. This would enable Congress to incorporate in or alter its legislation in any way it felt appropriate in the light of the International Convention. In particular, it is obviously desirable to all concerned that regulations concerning evidence of financial responsibility be common among the 100 or so coastal States who will require such evidence; we submit that any regulations on this subject included in the United States legislation should be deferred until it is known what is internationally agreed.

Yours sincerely,

The Britannia Steamship Insurance Association Limited, per: Tindall, Riley & Company, Managers; The Steamship Mutual Underwriting Association Limited, per: Alfred Stockton & Company Limited, Managers; The Sunderland Steamship Protecting and Indemnity Association, per: John Rutherford & Son, Secretaries; The West of England Steamship Owners Protecting and Indemnity Association Limited, General Manager; The United Kingdom Steamship Owners Mutual Assurance Association Limited, per: Thos. R. Miller & Son, Managers; The United Kingdom Steamship Owners Mutual Assurance Association Limited (Bermuda), per: Thos. R. Miller & Son (Bermuda), Managers.

The Liverpool and London Steamship Protection and Indemnity Insurance Association Limited, for Management; The London Steamship Owners Mutual Insurance Association Limited, per: A. Bilbrough & Company Limited, Managers; The Newcastle Protecting and Indemnity Association, Secretary; The North of England Protecting and Indemnity Association Limited, Deputy General Manager; The Standard Steamship Owners Protecting and Indemnity Association Limited, per: Charles Taylor & Company, Managers.

Assuranceforeningen Skuld, Oslo, Norway; Assuranceforeningen Gard, Arendal, Norway; Sveriges Angfartygs Assurans Forening, Gothenburg, Sweden; Reinsuring Underwriters: Lloyd's Leading Underwriters: Syndicate 615. Guy Janson Esq & Ors; Syndicate 418. R. J. Merrett, Esq & Ors; Syndicate 277. C. B. Gilroy, Esq & Ors.

Lloyd's Syndicates following the above: Insurance Companies Members of the Institute of London Underwriters; Insurance Companies Members of the Liverpool Underwriters Association; Insurance Companies in the United Kingdom, United States of America, Germany, Switzerland, Sweden, Finland, Japan, Australia etc.; Per: Thos. R. Miller & Son (Insurance) Limited, Director.

SUGGESTED REWORDING OF SECTION 12(f)(1)

(New Material Italicized)

"(f)(1) Except where an owner or operator can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act of a third party, such owner or operator of any vessel from which oil is discharged, or which causes the discharge of oil, into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone shall, notwithstanding any other provision of law, be liable to the United

States Government for the actual costs incurred under subsection (e) for the removal of such oil by the United States Government in an amount not to exceed *$100 per gross ton of such vessel or $100,000,000,* whichever is lesser (except that where such discharge was the result of *the actual fault or privity of the owner or operator,* such owner or operator shall be liable to the United States Government for the full amount of such costs).

SUGGESTED REWORDING OF SECTION 12(f)(2)(C)

(New Material Italicized)

When the owner or operator of such vessel has applied for a suspension of payments or has been adjudicated bankrupt or, if a company, is being or has been wound up, any claim for costs incurred by such vessel may be brought against the insurer or any other person providing evidence of financial responsibility as required under this subsection, *provided, however, that where such direct action is exercised the insurer or any other person providing evidence of financial responsibility shall be entitled to invoke all rights and defenses which would have been available to the owner or operator if an action had been brought against him by the claimant, and which would have been available to him if an action had been brought against him by the owner or operator.* (Adapted from Article 8(7) of the CMI Draft Convention approved at Tokyo, April 4, 1969).

THOS. R. MILLER & SON (INSURANCE) LTD.,
London, August 20, 1969.

Re S. 7.

Hon. JENNINGS RANDOLPH,
Chairman, Committee on Public Works, Senate Office Building, Washington, D.C.

DEAR SENATOR RANDOLPH: Just a short personal note to advise you that I have sent copies of this letter to all Members of the Senate Public Works Committee.

I do hope this is correctly in accordance with Senate protocol, but if this is not so please forgive me!

Yours sincerely,

PETER MILLER.

U.S. SENATE,
COMMITTEE ON PUBLIC WORKS,
Washington, D.C., September 18, 1969.

Mr. PETER MILLER,
THOS. R. MILLER & SON (INSURANCE) LTD.
London, England.

DEAR MR. MILLER: Thanks for your letter of August 20, 1969, advising me of your position and that of the other thirteen insurers of shipowners' liabilities regarding the provisions of S. 7, The Water Quality Improvement Act of 1969. Your comments are being discussed with the members of the Committee on Public Works.

Your expressed concern relating to rights of direct action against an insurer under the provisions of section 12(f)(2)(C) is noted. It is the Committee's intent that the insurer have available to him any defenses available to the assured, and I would therefore have no objection to further clarification on this matter.

Your question relating to the handling of unlimited liability in the case of the negligence of shipboard employees is a subject to be resolved either during Senate consideration of S. 7 or in the House-Senate Conference on the many points of difference between H.R. 4148, as passed by the House, and S. 7. The issues which you raise are worthy of fullest consideration, and assuredly will have attention.

With appreciation for your further information and counsel, I am

Truly,

JENNINGS RANDOLPH,
Chairman.

Mr. RANDOLPH. Mr. President, in addition to the communication received from London on behalf of the 14 insurance firms whose representatives signed it, letters were received by me as chairman of the Committee on Public Works from the following, to whom I responded substantially as I did to Peter N. Miller and the 13 associated with him in the August 20, 1969, letter:

American Institute of Marine Underwriters, 99 John Street, New York, N.Y., by G. Doane McCarthy, Jr., president, August 18, 1969.

American Petroleum Institute, 1101 Seventeenth Street NW., Washington, D.C., by E. S. Checket, September 18, 1969.

Maritime Law Association of the United States, Special Committee on Oil Pollution, John F. Gerity, chairman, 120 Broadway, New York, N.Y., August 28, 1969.

Labor-Management Maritime Committee, Earl W. Clark and Hoyt S. Haddock, co-directors, 100 Indiana Avenue NW., Washington, D.C., September 3, 1969.

Chamber of Shipping of the United Kingdom, 30–32 St. Mary Axe, London E.C.3, England, by Francis E. Hill, president, August 27, 1969.

Mr. President, I will not read the letters I have cited, but I will make a copy of each available to the manager of the bill so that he may give cognizance to it and make comments on it.

And, Mr. President, I ask unanimous consent to have the five letters printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMERICAN INSTITUTE OF MARINE UNDERWRITERS,
New York, N.Y., August 18, 1969.

Hon. JENNINGS RANDOLPH,
Chairman, Committee on Public Works, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR MR. RANDOLPH: The American Institute of Marine Underwriters representing more than 125 marine underwriting organizations in the United States wishes to record its strong objection to the proposed legislation as set forth in the text of S. 7 as reported by your Committee on August 7 (Report No. 91–351).

It is the considered judgment of this institute that this bill as presently reported will create insurance exposures to American-flag ship operators which are uninsurable without incorporating underwriting limits set by the insurer as described below.

We base this judgment on the provisions provided in the text of S. 7 *for direct rights of action against the insurer without any adequate safeguards as being the basic reason* which will prevent any insurance capacity in any measurable amount being made available for the insurance exposures created by the proposed legislation.

Clause 12 (F) (2) (C) creates in this proposed legislation a potentially uninsurable situation since in our judgment those American underwriters engaged in undertakings of a shipowner's liability insurances and P&I insurances may, under circumstances to be reviewed in each policy, refuse to accept such insurances of these liabilities when the controlling legislation permits direct action to be available against them.

We would reiterate the advices informally given to the Marine Committee of the New York Brokers Association who testified at earlier hearings that the probably available limits of insurance for this type of coverage are as follows:

(1) If the basis of liability is negligence (including the doctrine of reversal of burden of proof) the probable insurable limit available the world market would be in the area of $100. per gross registered ton or $10,000,000 each accident each vessel, whichever amount proves to be the lesser.

(2) If the doctrine of absolute liability were enforced the probable maximum world market would be in the area of $67. per gross registered ton or $5,000,000 each acident each vessel, again whichever amount is the lesser.

We reiterate that in our judgment there will be no insurance market available if the doctrine of direct rights of action against the insurer, with no adequate safeguards provided, is to be enforced. *Here we strongly feel that any insurer must be permitted to place himself in the same position against the claimant as is the assured.* Further we believe that any defense under the law which the insurer would have against the assured must be preserved.

It must be stipulated—and understood—that while there exists an American insurance capacity to meet American-flag operators' third party marine liabilities, this capacity in America exists to the best of our knowledge only because of the existence of a far greater capacity for such risks in the English market for reinsurance. Such liabilities as the American underwriters enjoy to utilize this English reinsurance market tends to establish the capacity (or limits) beyond which the American underwriter cannot venture.

Sincerely yours,

G. DOANE MCCARTHY, JR.,
President.

AMERICAN PETROLEUM INSTITUTE,
Washington, D.C., September 18, 1969.

Hon. JENNINGS RANDOLPH,
Chairman, Committee on Public Works, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SENATOR RANDOLPH: I believe the testimony on behalf of the American Petroleum Institute before both House and Senate Committees over the past several years is ample evidence of the petroleum industry's deep concern with the problem of oil pollution from vessels and of our desire to see the enactment of meaningful and workable legislation dealing with this problem. If such legislation is to be workable, it must not impose liabilities on shipowners which are commercially uninsurable. Therefore, after having reviewed S. 7 as reported out by the Committee on Public Works, I respectfully call your attention to several provisions of Section 12 of the Bill which in my opinion do make such liabilities uninsurable.

We concur in your earlier comments that some of the previous testimony on what liabilities of a shipowner were insurable and the amount of insurance available to him under varying conditions of liability was confusing to those unfamiliar with marine insurance. However, I do believe, and trust you will agree, that the latest communications from the insurance industry, both in this country and abroad, clarify any past confusion and make the following points crystal clear.

First, Section 12(f)(2)(C) providing for direct action against the insurer means, as a practical matter, that the liabilities imposed by Section 12(f)(1) on the owner or operator of the vessel cannot be underwritten. This results from the fact that marine underwriters simply will not accept policies with this kind of unqualified right of recourse against them, as they have formally advised your Committee. The Bill, therefore, would force shipowners to be totally self-insured for those liabilities when operating within the navigable waters of the United States.

This is a risk which, I submit, no prudent independent shipowner would assume.

I feel sure that it was not the intent of the Committee to create such a situation and I accordingly urge your serious consideration of the modifications to Section 12(f)(2)(C), as recently recommended to you by various leading insurance underwriters and reinsurers, to make the shipowner's liability insurable.

Second, the provisions of Section 12(f)(1) impose an *unlimited* liability to the U.S. Government for the cost of cleanup where the discharge of oil was the result of a negligent act—even that of the least skilled crew member.

Such unlimited liability is uninsurable, the underwriters having informed you that they are unwilling to issue policies covering negligent spills in excess of $100 per gross registered ton or $10 million dollars, whichever is the lesser. The shipowner would thus be faced with assuming all of the risk above those amounts. Again, I submit that the small independent ship operator might well refuse to assume such a risk which could force him into bankruptcy.

At the same time we support the proposition that the shipowner or operator should not have a right of limitation for his own personal negligence or willful act and, therefore, we would suggest that the language in question be amended to read as follows:

"Except that where such discharge was the result of the personal fault or privity of such owner or operator, the latter shall be liable to the United States Government for the full amount of such costs."

Third, even with this change in language the dollar limitations in Section 12(f)(1) of $125 per gross ton or $14 million dollars, whichever is lesser, should be reduced to limits that are insurable, i.e. $100 per gross ton or $10 million.

In my testimony before the Subcommittee on Air and Water Pollution, I stated that shipowners through their mutual assurance clubs already are bearing the first $1.4 million of loss per vessel per incident. We believe it is unfair and unrealistic to require a shipowner, particularly a small independent owner, to assume an additional financial burden in excess of what he can protect himself against through insurance.

In conclusion, I should like to reiterate our desire to see legislation enacted which will effectively protect the U.S. harbors, rivers and coastlines against oil pollution but which will not at the same time pose a serious threat to the United States Merchant Marine and the inland waterways industry and present a deterrent to our waterborne commerce, both domestic and international. I must state my conviction that S–7 as presently drawn does pose such a threat and if enacted in its present form will not be in the best interests of the United States. However, if S–7 is modified in line with the foregoing, it will protect the public interest without imposing an unbearable hardship on the shipping industry or our waterborne commerce.

Respectfully yours,

E. S. CHECKET.

MARITIME LAW ASSOCIATION OF THE UNITED STATES, SPECIAL COMMITTEE ON OIL POLLUTION,
New York, August 28, 1969.

Hon. JENNINGS RANDOLPH,
Chairman, Committee on Public Works, U.S. Senate, New Senate Office Building, Washington, D.C.

DEAR SIR: The Maritime Law Association of the United States, through its President, and the statements of the undersigned Special Committee on Oil Pollution, have had the privilege of appearing before the Public Works Committees of the Congress in connection with the above entitled legislation. This committee has also submitted numerous documents in a sincere effort to assist the Congress to enact laws for the betterment and preservation of our environment from pollution by oil of the Inland waters of the United States and of the Seas. Such assistance as we could render for consideration by the Committees of the Congress, we hoped would permit the enactment of legislation upon which the liabilities to be imposed would be insurable and would not be a serious deterrent to the continuity of the domestic and foreign trade and commerce of the United States, including the trade of the Merchant Marine of this and other countries to and from our shores. We submit, with respect, that H.R. 4148 embraces all of the principles required by responsible legislation which apparently shipowners can insure as a risk and, our waters will be adequately protected.

With respect, we are compelled to say that the legislation proposed by material sections of S. 7 do not meet these elementary standards. *On advice we have received, the liability and financial responsibility sections plus unrestricted rights of direct action against underwriters are totally uninsurable as written.* It is equally apparent that S. 7, in these respects, can only work to the serious detriment of the American Merchant Marine as a whole and the ocean commerce of the United States—dry cargo vessels and tankers alike. *Many of the proposals are also repugnant to settled principles of United States' maritime law and the laws of many maritime nations.* We sincerely regret this turn of events in the legislation to be proposed by S. 7.

May we, Sirs, take this opportunity to respectfully urge the Committees of the Congress to fully consider the constructive content of letters which we are advised have been written by what may be substantially described as the world's marine insurance markets and shipping industry associations, so that the uninterrupted continuity of our maritime trade can be preserved. We can foresee situations in which, if S. 7 in material respects is enacted into the law of the United States, many shipowners will be required to either (a) trade at their own risk without insurance, but with realistic risk of ultimate bankruptcy by putting all of their assets at the disposal of our Government to secure any damage by pollution of our waters or (b) obtain some nominal insurance, if available at all, at a cost which may well be commercially prohibitive to an economically depressed Merchant Marine plus needed material assets to meet the financial responsibility requirements or (c) trade elsewhere.

Why must such legislation as proposed in S. 7, as above, be unnecessarily punitive against the entire maritime commerce of the United States? We appeal for maritime legislation rooted in reason and written with legal force and clarity to fully achieve the intended objective, protection of our waters, such as exemplified by H.R. 4148.

We are, dear Sir,

Respectfully yours,

JOHN F. GERITY,
BURTON H. WHITE,
GORDON W. PAULSEN,
JOHN F. GERITY, *Chairman.*

LABOR-MANAGEMENT MARITIME COMMITTEE,
Washington, D.C., September 3, 1969.

Hon. JENNINGS RANDOLPH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR RANDOLPH: We have been advised that S. 7, a bill amending the Federal Water Pollution Control Act, known as the Water Quality Improvement Act of 1969, will be on the floor of the Senate for legislative action. We are concerned with the risks imposed by S. 7 which would remove all limits for negligent oil spills and according to marine insurance sources are uninsurable anywhere in the world. This could have an extremely detrimental effect on the entire merchant marine.

We favor H.R. 4148 recently passed by the House of Representatives.

Sincerely yours,

EARL W. CLARK,
HOYT S. HADDOCK,
Co-Directors.

CHAMBER OF SHIPPING OF THE UNITED KINGDOM,
London, 27th August, 1969.

Hon. JENNINGS RANDOLPH,
Chairman, Committee on Public Works, Senate Office Building, Washington, D.C.

DEAR SENATOR RANDOLPH: As President of the Chamber of Shipping of the United Kingdom which represents over 19 million gross tons of shipping on the U.K. register, I am taking the liberty of addressing myself to you in view of your particular interest in the problems of oil pollution and your major role in the shaping of S–7.

As you can imagine, it is not only United States shipowners who have been following with interest the progress of S–7. The Bill affects all vessels calling at U.S. ports, whether tankers or dry cargo, and as at present drafted, would have some startling, and we believe, unintended results.

To us the most difficult clause is that which provides that a negligent shipowner shall not be able to limit his liability. As you have heard, the market cannot insure unlimited liability. This proposal would therefore make it impossible for shipowners to insure and yet the Bill goes on to provide that every single vessel over 300 g.r.t. shall produce evidence that it is satisfactorily covered!

British shipowners naturally like to obtain cover against their liabilities for oil pollution; the one certain way to stop them doing so is to make insurance impossible, which is what I am afraid the Bill in its present form does.

As the Senate is aware, it is difficult to produce legislation on liability for oil pollution which is not self-defeating—IMCO itself has narrowly avoided one or two traps of this sort—and we hope that on this point of insurability, you will, in the interests of the United States, heed the expert opinion that has been given by insurance representatives.

There are other features of the Bill which U.K. shipowners do not favour, but I would not wish to complicate this letter by listing them. I would, however, like to leave with you the thought that the interests of the United States, as well as its shipping lines, will best be served by a single worldwide agreement on liability. All the schemes that have been discussed will give the shipowner a powerful incentive to avoid pollution; the choice of one rather than another will therefore not affect by one ounce the amount of pollution on the beaches. That depends on the preventive measures we are all devising; accordingly, nothing would be lost and much might be gained if the special problem of liability was held over until the end of the year when there will be available a finished convention agreed by all coastal states as being a sound and effective solution.

Please let me know if there is any aspect of this subject on which we here can help you further.

I am writing in the same terms to Senator Edmund Muskie.

Yours sincerely,

FRANCIS HILL.

Mr. RANDOLPH. Mr. President, the communications and information which I have placed in the RECORD I am sure will not be of interest for discussion by my colleagues in the Senate this afternoon, but I am sure they will be helpful as Members of the Senate read the REC-

ORD in reference to the legislation which is before us and the position of the insurers from the standpoint of companies that ship in the coastal waters of the United States.

I hope the importance of this legislation will cause the Senate to act, of course, with deliberation, but with a certain promptness.

I have spoken longer than I should have, but I felt that, as chairman of the Public Works Committee, in cooperation with the chairman of the Subcommittee on Air and Water Pollution, I should lay out, as it were, the broad, productive provisions which have been encompassed in Senate bill 7.

Mr. MUSKIE. Mr. President, may I respond to the distinguished Senator's remarks? When I yielded to him earlier, I was engaged in discussion and could not pay proper tribute to his efforts, interest, and cooperation in this field, not only in connection with Senate bill 7, but in air and water pollution legislation over the years. No chairman could have been more cooperative or more understanding, not only in making facilities and staff available, but in contributing to the substance of the legislation with which we deal. I express my appreciation to him.

Mr. RANDOLPH. I thank the Senator. And I wish to acknowledge again the outstanding leadership which the distinguished Senator from Maine has given to environmental improvement legislation in his role as chairman of the Subcommittee on Air and Water Pollution. This effort has been supported and strengthened by a bipartisan approach led by the able junior Senator from Delaware (Mr. BOGGS), ranking minority member of the subcommittee, and my good friend from Kentucky (Mr. COOPER), ranking member of the full committee.

I would add, Mr. President, that S. 7 was reported unanimously, a fact that attests to the effort and attention given to this legislation by every member of the committee; in addition to those I have mentioned I commend for their contributions to this legislation, Senator STEVE YOUNG, Senator B. EVERETT JORDAN, Senator BAYH, Senator MONTOYA, Senator SPONG, Senator EAGLETON, Senator GRAVEL, Senator BAKER, Senator DOLE, Senator GURNEY, and Senator PACKWOOD.

Mr. YOUNG of Ohio. Mr. President, the Water Quality Improvement Act of 1969—S. 7—provides America with a powerful lever against three major sources of pollution which have continued to ravage our water resources; oil pollution, vessel pollution, and thermal pollution.

Despite the enactment of the Water Quality Act in 1965, the quality of the Great Lakes and the territorial and contiguous waters of this Nation has been continuously damaged and seriously polluted and poisoned. Industry, shipping and oil interests have blatantly continued to dump and spill materials often intentionally, into these formerly clear, pure, and precious waters. For 200 hundred years we Americans have had every reason to be proud of our beautiful Great Lakes and their pure uncontaminated waters. Also, we of the Midwestern States have been proud of the fact that the Ohio River and other rivers were free of pollution and contamination.

As our report on S. 7 points out, frequent oil spills from vessels and from on-and-off-shore facilities have ruined Atlantic and Pacific Ocean beaches and lowered the quality of our rivers and shore waters. They have jeopardized not only animal and vegetable life, but human life as well. Terrible tragedies in recent months and years, such as the Santa Barbara oil well leak which spilled tens of thousands of barrels of oil on beautiful beaches along the California coast, have underscored these problems. Spills from the *Torrey Canyon* off the coast of Great Britain and other similar incidents have alerted us to the dangers of having supertankers carrying oil along our shores.

We in Ohio and the Great Lakes region are all too aware of the problems of pollution. We are particularly concerned over the spillage of oil and shipping wastes. Only recently we witnessed several disasters and near-disasters in and around the Great Lakes which should have been avoided.

While many have already written the obituary for Lake Erie and are mourning the imminent deaths of the other Great Lakes, we in the Midwest are determined not to write off these vital bodies of water. These lakes are surrounded by the heartland of America with a dense population with growing needs for clean, fresh water.

However, in Lake Erie great green skiens of algae have broken loose from rocky moorings and washed ashore to rot on the once beautiful beaches. Near Chicago, the beaches of Lake Michigan are lined with dead fish caused by such pollution as the 440 million gallons of waste water dumped daily from United States Steel Corp.'s south works. Amazing as it may seem, the oil-thick Buffalo River, which flows into Lake Erie, has been declared a fire hazard by the Buffalo Fire Department.

This deplorable situation is exactly what the pending legislation is intended to correct. Under provisions of the Water Quality Improvement Act of 1969, this pollution will be halted and the quality of the lakes improved.

Let me point specifically to section 16(h) of the bill, which would authorize the Secretary of the Interior to enter into contracts or issue grants for research aimed at the roots of pollution. These grants and contracts would be "for the prevention, removal, and control of natural or manmade pollution in lakes, including the undesirable effects of nutrients and vegetation." This section would also provide funds for the construction of publicly owned research facilities for such purposes.

Beyond this, however, section 15 would authorize a special demonstration program to attack the unique and critical problems of the Great Lakes region. This program is in addition to the authority in the legislation to control lake pollution or lake eutrophication in general.

Under this program, the Secretary of the Interior, in cooperation with other Federal agencies, is authorized to enter into agreements with any State, regional or local agency. These agreements would provide support for demonstration projects to test new methods and techniques and to develop preliminary plans for the elimination or control of pollution in and around the Great Lakes.

This program goes farther than simply the Great Lakes themselves. It specifically includes "all or any part of the watersheds of the Great Lakes."

The Committee on Public Works recognized that pollution must be controlled at its source before it enters the bodies of water. Only then can we insure the quality of the waters in and around the United States.

The bill would authorize $20 million for the Great Lakes pollution control program. The States or local agencies would share the cost of these projects.

Most of the States adjoining the Great Lakes have already undertaken significant programs against pollution. This underscores their willingness to meet their obligations in this intergovernmental effort.

Special efforts as called for in S. 7 are needed to accomplish substantial remedial action in order to reverse the tide of pollution on the Great Lakes and to insure cleaner waters for future generations.

Thermal pollution has become a nationwide problem only in recent years as nuclear power plants have sprung up and more industries have been built on the edge of the waterways and lakes. They disgorge water at temperatures far exceeding normal ones. This is not only harmful to fish and aquatic animals, but long-term changes in the atmosphere can result from the circulation of air over these waters. The vegetation in and around these areas will change, often to the detriment of animal and human inhabitants.

S. 7 provides the Government with new authority for controlling thermal pollution in the Nation's lakes and streams.

Another key provision of the new water quality bill is section 11, which would control sewage discharges from vessels.

Waste from water craft is one of the most obvious sources of pollution both in the inland waterways and in our coastal waters and contiguous zones. It is most severe in bays, lakes, harbors, and marinas where vessels congregate and traffic is heaviest and water circulates the least. As our use of these waters increases, the problem will become more acute.

Section 11 will assist in preventing discharge of untreated sewage into navigable waters by pleasure or commercial vessels, and provide for continuing upgrading of technology to bring a complete halt to this practice.

To insure and enforce this stronger vessel anti-pollution legislation, the bill gives the Coast Guard fuller and more specific authority to develop and promulgate the regulations concerning the design, installation, and operation of marine sanitation devices and to certify these devices as complying with regulation standards. These regulations must

also assure compliance with the standards of performance issued by the Secretary of the Interior.

Many States have already moved to control vessel discharge. However, conflicting regulations and standards have presented hardships to recreational boaters who move between States and present potentially serious restrictions on interstate movement of commercial vessels. For this reason, the bill would provide State authority to prohibit entirely the discharge of any sewage from vessels in line with its designated water quality standards.

This section of the bill, I feel, will go a long way in upgrading the quality of the waters of the Great Lakes Region as well as the inland waterways and coastal waters of the entire Nation.

It is essential, in addition, that America have a coordinated policy for the quality of the environment—a policy which will insure not only cleaner water, cleaner air, and freedom from solid wastes, but will provide future generations of Americans with the type of environment necessary for good health and well-being.

Title II, entitled the "Environmental Quality Improvement Act of 1969," simply and succinctly states that:

> There is a national policy for the environment which provides for the enhancement of environmental quality.

We have come to the point where we can no longer ignore the consequences of our actions in the name of economy. Two hundred years ago, when our country was young and growing and the population was fairly well dispersed, we could afford to turn our backs on the impact of industrial pollution in favor of building our industrial might.

Today, we are more than 200 million, and will be 320 million by the year 2000. Today, industries dot every shore; highways stretch endlessly across the continent; buildings rise where there was once only wilderness. Today, there is little of nature left, except in isolated patches of heretofore unwanted or undevelopable land.

With pollution at the crisis level—air and water pollution, noise pollution, thermal pollution—and space at a premium, it is high time that we squarely face the issue of environmental quality.

Title II of S. 7 intends that all Federal moneys spent on public works activities which affect the environment would be reviewed and found not to be detrimental to the environment. It would establish an Office of Environmental Quality within the Executive Office to assist and advise the President and to help coordinate Federal activities affecting the environment.

There can be no question that this important first step must be taken in the direction of Federal coordination of activities involving our natural environment. We must pledge ourselves to the upgrading of the quality of life—all life—on this planet, now and in the future.

Senator JENNINGS RANDOLPH, chairman of the Committee on Public Works, and the distinguished junior Senator from Maine (Mr. MUSKIE), chairman of the Subcommittee on Air and Water Pollution, deserve the gratitude of all Americans for their outstanding leadership and hard work in formulating the pending bill which is a powerful vehicle for the attack against environmental degradation. I urge its enactment.

AMENDMENTS NOS. 226 AND 227

Mr. AIKEN. Mr. President, I submit three amendments, which I ask to have printed and lie on the table. I hope the chairman of the Public Works Committee and the chairman of the subcommittee handling the bill will see fit to accept these amendments, but if they do not, I shall endeavor to offer and explain them later. At this time I simply submit them.

The PRESIDING OFFICER. The amendments will be received and printed, and will lie on the table.

Mr. MUSKIE. Mr. President, I yield to the distinguished Senator from Florida (Mr. GURNEY), or if the Senator wishes to have the floor in his own right, I yield the floor to him.

Mr. GURNEY. I wanted to make general remarks on the bill. Did the Senator wish to comment on the amendments just submitted?

Mr. MUSKIE. Not at this time.

Mr. GURNEY. Mr. President, I strongly support passage of S. 7. This legislation is a very thorough and comprehensive effort on the part of the Senate Public Works Committee to provide meaningful and effective methods for combating water pollution problems.

Several of my colleagues, especially those who have worked most carefully on the legislation, have already presented the statements on some sections of the bill, describing them in detail. I will make only a few remarks at this time.

Certainly, one of the most controversial areas is that of pollution caused by oil spills, and the process of creating some liability guidelines in this area. As the vessel traffic and volumes of oil increase, this naturally enhances the risk of major oil spills in our waters.

The Public Works Committee, after long discussion and thorough consideration, provided for centralized authority for cleanup and spelled out very specifically financial responsibility in the case of oil spills. Certainly, this part of the bill constitutes major new legislation. It will be landmark law making.

The problem of water pollution has grown to such magnitude that it is imperative for the Congress to enact effective legislation, and certainly the time for S. 7 has indeed arrived.

In spite of the amounts we are spending for pollution—and we have committed large amounts in recent years in the Congress—it appears that the Federal Government itself has been lax in enforcing compliance with water quality standards. The Government has been charged with a leadership role in combating pollution, and has required communities and private industry to make large investments in sewage treatment facilities. Ironically enough, many Federal agencies have made only token efforts in this area.

In my own State of Florida, there are 187 military installations alone. In addition, the Atomic Energy Commission and, of course, NASA have large facilities there. Bearing this in mind, it is not hard to arrive at the conclusion that Florida could certainly suffer from Federal pollution. Other States are in similar circumstances. Certainly, the Federal Government must be willing to share its responsibility for those activities.

I feel we must require that activities over which the Federal Government has direct control be conducted in a manner to assure compliance with applicable water quality standards.

Mr. President, one thing that I would particularly like to call to the attention of my colleagues is the matter of clean lakes, and the necessity of cleaning them up and correcting pollution in that area.

There are over 7,700 lakes in the State of Florida. My native State of Maine, the State from which Senator MUSKIE comes, has about 10,000 lakes.

In Florida many of those lakes have been slowly choked to death by aquatic weeds. Those of you from Louisiana, Alabama, Hawaii, and New York will be especially familiar with this problem. Other States are faced with this problem also.

Several of my colleagues in the House joined me in a bipartisan effort last year to control and eradicate these obnoxious weeds. The main thrust of the legislation was to get some coordination in the field of aquatic weed research so we could expand effective control programs.

During my research on the bill, I found that over 39 different agencies were involved in lake pollution efforts in the State of Florida. It occurred to me that interagency rivalry, lack of authority, and just plain lack of interest in some cases was evident. Needless to say, with a system of centralized control, coordination, and concentration of effort, we could do a better job. That is what my bill sought to do. I was not able to get it passed.

But one thing S. 7 does is provide for a means to concentrate presently scattered efforts into a coordinated attack on lake pollution. The bill creates a Federal Water Pollution Control Administration in the Department of the Interior. This new administration will be charged with centralizing and coordinating the now scattered efforts at weed control. Certainly, this is a major step forward, long overdue, and ought to make a major contribution to water pollution control, at least as far as lakes are concerned.

The problems caused by lake pollution are becoming of such a magnitude that the matter is creating an emergency situation in our waterways, lakes, and streams. In Florida again—and this is true of many other States—water intakes of all sorts of systems are becoming clogged because of the weed problem alone. Dangers of flooding are imminent because runoff water cannot escape. Boats cannot be used in my home city of Winter Park, Fla. We have a system of five lakes that are connected with canals. It is one of the greatest resources we have as far as recreation is concerned. Within the past 2 years, at one time or another, one or two, and sometimes more, of the lakes have been completely closed to boating and water ski-

ing because of the aquatic weed problem.

This bill provides a major step forward to do something about the problem. I think the coordination of the effort and the concentration of money, rather than scattering it out among 39 different agencies, is one of the major factors in getting ahead with the problem.

There are many good features in the bill, as the Senator from Maine, the chairman, the Senator from West Virginia, and the ranking member of the committee have explained to the committee. I hope we will achieve general support in the Senate today or tomorrow, when we vote on this measure, for S. 7 is a major landmark bill in the area of helping solve our great water pollution problem.

Mr. MUSKIE. Mr. President, I wish to express my appreciation to the distinguished Senator from Florida for his very active interest and participation in the development of S. 7. His participation in both the hearings and the markup sessions was conscientious and constructive, and extremely useful to all of us.

Mr. GURNEY. I thank the Senator.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield to the Senator from Alaska.

Mr. STEVENS. It is my understanding that the committee has a committee substitute for S. 7, and it is my further understanding, from the Parliamentarian, that I should offer the amendment that the Senator from Massachusetts and I have left at the desk before the Senator makes a motion to adopt that substitute.

Will the Senator tell me when he anticipates making that motion?

Mr. MUSKIE. Not until every Senator who has an amendment has had an opportunity to offer it. I will go out of my way to make sure that no Senator is denied such opportunity.

Mr. STEVENS. I thank the Senator. I want him to know that I have listened to his address today, and I think he has done a yeoman's task in this field. I happen to come from a State that has no problems with water or air pollution except in one small area. We are, however, trying to do everything possible to help the rest of the Nation get back to the pristine quality of environment we have thus far been able to maintain.

Mr. MUSKIE. With reference to the Senator's amendment, perhaps I have slipped in not focusing more on that problem. I was not aware that I had, but in any case, I shall do everything I can to help the Senator solve his problem.

Mr. STEVENS. I thank the Senator for that comment.

I point out that the problem of pollution we are dealing with is a problem involving some 178 villages located on rivers. Because of pollution, as you go up the river, the death rate goes down. This is an area where one-fifth of the children die in their first year, and the reason that they die, we now know, is strictly bad water. It is pollution. There are no sanitation facilities, there is no running water, there are no sewers. Only 8 percent of the homes even have inside toilets. Less than 8 percent have running water.

What we are dealing with is the most basic problem of pollution, and that is clean water for the purpose of preserving human life. I think the major part of this bill deals with the esthetic portion of the pollution problem, the problem of how to restore clean rivers and lakes, which is what the Senator from Florida has been talking about.

But we are talking about fighting pollution in the sense of trying to preserve life and give these native children a better chance. It is my hope that the Senator from Maine would not look at this matter casually, when one-fifth of the children die in their first year and their parents have an estimated expectancy of only 34 years, because of the same problem of persistent pollution.

We have done everything we can, and this is a crash program that the Senator from Massachusetts and I tried to devise after our return from the Arctic last spring. I invite the attention of the Senate to this phase of the problem again, before the Senate votes tomorrow.

Mr. MUSKIE. I understand, and I thank the Senator from Alaska.

I yield now to the Senator from Kentucky; and I use this opportunity to thank him for the marvelous cooperation he has given us over the years.

Mr. COOPER. I thank the Senator.

Mr. President, this subject has been discussed very fully and comprehensively by the Senator from Maine, the Senator from Delaware (Mr. BOGGS), and others, I shall dwell on only a few aspects of the legislation.

I should like at this point to say something about the work of the Senate Public Works Committee. I have served on the Committee on Public Works continuously since 1957. Prior to that time, when I spent 2 years in the Senate in 1947 and 1948, I was a member of the Committee on Public Works. In times past, our subjects were matters under the jurisdiction of the Corps of Engineers, which is very important in dealing with flood control, navigation and water supply; the Federal-aid highway system—which is also of vital importance to the country—and public buildings. Later, we added responsibility in connection with large watershed projects.

In the last 8 or 10 years, as the country has become aware—and it is sad that it has been such a short time ago—of this problem of pollution and its effect upon the environment, the Senate Committee on Public Works has assumed an entirely new significance and undertaken to deal with new environmental problems of the greatest importance.

Largely due to the initiative of the Senator from Maine (Mr. MUSKIE), this committee has been developing programs for the prevention of water pollution, air pollution, solid waste pollution. Most recently we have considered the special problem of oil spillages, not a new field in the sense that it is an aspect of the pollution problem, but a very difficult topic for legislation and one which has caused long study by the committee.

So I express, without any reservation whatever, my appreciation and that which I think the country owes to the Senator from Maine, who serves as chairman of the subcommittee, and his coworker, the Senator from Delaware (Mr. BOGGS), along with the guidance and help of the chairman, the Senator from West Virginia (Mr. RANDOLPH). I pay tribute also to all the members of the committee. I am particularly proud, upon the minority side, to have noted among those who have worked hard on this bill the Senator from Delaware, to whom I have referred, the Senator from Tennessee (Mr. BAKER), the Senator from Kansas (Mr. DOLE), the Senator from Florida (Mr. GURNEY), and the Senator from Oregon (Mr. PACKWOOD), who, although new members, have been assiduous in their efforts.

In our executive meetings—I believe we had 12, as well as many informal conferences—it was challenging and very helpful that we had a full attendance of the committee membership practically all the time. Everyone was interested, and everyone contributed to the writing of the bill, including the new members of the Senate. While I have not mentioned those on the majority side, I am sure that the Senator from Maine (Mr. MUSKIE) has given them his praise, and I join with him in his accolades—or, as a fellow I talked with the other day said, he was very happy to hear I had an "allocade" for him.

I shall discuss the matter very briefly. S. 7 represents an important step in response to the public's demand that the degradation of our environment be halted and its quality enhanced. S. 7 is a comprehensive bill with provisions dealing with a wide range of difficult water pollution problems. Its provisions relate to nearly every aspect of the water environment and will affect nearly every major industry of our country. In addition to the water quality provisions, S. 7 incorporates in title II a timely contribution to the broad issue of the Federal Government's response to the quest for environmental quality.

The impact of Federal activities is clearly great, especially in the area of public works, and over the years many statutes, agencies, policies, and procedures have been created that, if not running counter to the objective of environmental quality are at least inadequate to meet the challenges that face our environment. Title II will go a long way toward resolving this paradox, and along with other legislation before Congress offers a program to update Federal performance. Such an effort would have great effect beyond the Federal performance and hopefully be duplicated throughout State and local governments as well as the private sector.

S. 7 is extremely important legislation. It is legislation on which the Committee on Public Works, in 1969 alone, held some 13 days of public hearings. These hearings were followed by more than 20 markup executive sessions; the bill has been thoroughly considered, thoughtfully drafted, and has been reported unanimously. In 1968 the Senate and the House each passed a water pollution

measure, however, agreement in conference was not obtained and the adjournment of the 90th Congress required that we begin the legislative process once again in the 91st Congress.

The vessel pollution provisions of S. 7 are basically the same as those designed to combat the problem of the discharge of sewage from all types of watercraft contained in the 1968 bill.

I am sure that the Senator from Maine has pointed out that, with respect to the equipment which is required to be installed upon watercraft, the Federal Government preempts authority to regulate the design, manufacture, installation, and use of marine sanitation devices. However, certain matters should be discussed, particularly the matter of Federal preemption.

Because many waters are navigable in nature, and therefore, cross State lines and because watercraft are easily transported for use in many States, it is essential that the boatowner or the vesselowner and the equipment installed on his boat or vessel satisfy uniform requirements and regulations. This, of course, can be achieved through Federal regulations. S. 7 provides that only the Federal Government can adopt and enforce regulations with respect to the design, manufacture, installations, or use of any marine sanitation device in connection with any boat or vessel subject to the provisions of S. 7.

There remains, however, a substantial and vital interest of each State in certain local characteristics of the waters under the jurisdiction of that State. Only a State is in a position to know its waters so well as to know where water supply intakes, bathing beaches, oyster beds, or other use of its waters demand high purity and consequently, only States are in a position to permit the discharge of sewage into these waters. Consequently, the bill, S. 7 makes provision that the States retain authority to prohibit absolutely, and only phohibit absolutely, the discharge of sewage, treated or not, in any waters within such State but only where implementation of applicable water quality standards requires such prohibition. Certainly States cannot act arbitrarily or capriciously. In addition the States have a distinct duty to encourage the development of vessel sewage equipment service facilities; a suitable and effective way of communicating to the boating public the exact areas subject to such a prohibition; and, of course, suitable public participation in the establishment of any prohibited zones.

The committee received much citizen reaction on this provision, and it is carefully drawn to make it clear under what situations the States can act. It is not anticipated that this provision will bring undue hardship to any boat or vessel owner and will result in those regulations which are necessary to achieve, in fact, water quality.

The *Torrey Canyon, Ocean Eagle,* Santa Barbara, and most recently the Buzzards Bay oil pollution have caused great damage and have aroused great concern among the public. It is clear that the tremendous increase in the transport of oil, has given rise to the almost certainty that oil will be discharged into the waters of the United States. We must, therefore, take every precaution to see that the public's interest in these waters and the adjacent shores is protected and damage minimized, and at the least direct expense to the public.

The problem is complex, it involves vessels, it involves onshore facilities, and of course it involves offshore facilities. The writing of provisions to deal with these potential threats has been extremely difficult and one on which the committee labored long.

I suppose that one of the most complicated and controversial questions was that of fixing a measure of liability for the cost of removal of oil discharges. In order for legislation to be responsive, it is necessary that it be clear, not complicated, applied equally to all and in all situations, and most importantly, enforceable. It is submitted that the framework adopted by the bill in imposing liability for removal costs meets this standard. Since this is indeed national legislation it is imperative that the standard of liability be a uniform standard. This can only be achieved if, to the fullest extent possible, the common law standard of negligence is avoided. If negligence were to have been the principal test, every discharge of oil would require that the Federal district court, in an action by the United States to recover costs, would be forced to refer to the relevant State law for a determination of negligence. It is likely that many different standards of liability would ensue.

To avoid this the committee adopted a framework of liability that begins with absolute liability; that is, liability without reference to fault, and then provides exceptions to this standard; the exceptions being where the owner or operator can prove either the discharge was caused solely by, first, an act of God; second, an act of war; and third, or an act of a third party, and in the case of vessels, negligence on the part of the U.S. Government. Although this liability has been called absolute, it is not, and the exceptions bring it very close, if not equivalent, to the standard that can be referred to as strict liability which is the standard that the international community is likely to adopt in the International Convention dealing with the discharge of oil. In testimony before the committee, the legal advisor of the Department of State testified that although the original position advocated by the United States at the international convention was absolute liability, the international community generally preferred a somewhat lesser standard which is referred to as strict liability that makes exceptions, as does the bill S. 7 to what otherwise would be considered absolute liability. It should be pointed out that the international convention when it is finally completed might include in its provisions liability for third party damages. On August 15, the United States notified the Intergovernmental Maritime Consultative Organization—IMCO:

The United States continues in its preference for the strict liability provision set forth in alternative B.

I should like to quote the provisions of alternative B:

1. The owner shall be liable for any pollution damage caused by oil that has escaped or been discharged from his ship, except as provided in paragraphs 2 and 3 of this Article.

2. No liability shall attach to the owner with respect to pollution damage resulting directly from an act of war, hostilities, civil war, insurrection or a grave natural disaster of an exceptional character.

3. If the owner proves that the pollution damage resulted wholly or partially from an act or omission done with intent to cause damage by the person who suffered the damage, the owner shall be exonerated wholly or partially from his liability to such person.

4. No claim for compensation for pollution damage shall be made against the owner otherwise than in accordance with this Convention. No claim for pollution damage under this Convention or otherwise, may be made against the servants or agents of the owner.

5. Nothing in this Convention shall prejudice any right of recourse of the owner against third parties.

This is basically compatible with the liability provisions of S. 7.

The bill, S. 7, imposes liability only for the cost of removal of oil, should it be necessary, by the United States. The provisions of the bill further impose a dollar limit for the standard of liability that I have outlined. In accordance with general concepts of negligence, however, the bill goes on to provide that where the United States can show that a particular discharge was the result of negligence then there shall be no limit to the amount of liability and that such liability will extend to the full cost of removal to the United States. It should be noted that the testimony revealed no discharges in which the costs of cleanup have been as high as the dollar limits of the strict liability provision. Testimony was also received that no spill requiring costs of cleanup in excess of those limits are anticipated. Therefore, the unlimited liability provision, assuming negligence could be proved by the United States, is a highly unlikely eventuality and is included to cover those extreme events such as a negligent discharge, from perhaps a supertanker or a rupture in the proposed pipeline on the north slope of Alaska; hopefully these will never occur but this does not excuse the Government from advance preparation.

In order to impose on all vessels a uniform standard of liability, the bill requires that all vessels using the ports or waters of the United States must show evidence of financial responsibility to meet liability for the cost of removal to a limit of $100 per gross ton. The legislative record developed by the committee clearly indicates that the amount, $100 per ton, is insurable under this standard of liability and has, therefore, been chosen by the committee as a figure that will adequately protect the interests of the public.

It has been alleged that because the bill does not impose a dollar limit for negligent liability that it is uninsurable. This argument is misleading and does no justice to the carefully drawn framework of S. 7.

Under any standard of common law negligence, liability, upon proof of negligence is theoretically unlimited and is measured only by the amount of damage. Thus, each one of us is liable without limit for all damages caused as a result of the negligent act resulting in an automobile collision. Such theoretical liability is, of course, uninsurable. A continuation of this analogy is helpful. Many States require every automobile owner to obtain certain levels of insurance coverage; this is equivalent to the evidence of financial responsibility enclosed in the bill, S. 7. Should a citizen desire, he may negotiate with an auto insurance company for a higher level of coverage based upon anticipated risk and his willingness to pay.

It is anticipated that shipowners will engage in this same type of negotiation with the maritime insurance industry and arrive at a limit of insurability which will at least be $100 per gross ton as required by the bill, and may be higher based upon the anticipated risk and the vessel owner's willingness to pay. The bill, S. 7, does not, I repeat, does not require insurance to the full theoretical amount of liability for the cost of removal.

Of course, because of the great publicity involved in the Santa Barbara occurrence, much attention has been directed toward spillage at sea and in territorial waters. However, the bill also covers onshore facilities. We adapted to the provisions dealing with onshore facilities a formula to measure liability similar to that which was provided for spillage by vessels.

Since onshore facilities is a broad term and covers a wide range of operations, from small storage to large bulk storage, from marinas to large refineries, it was necessary to devise a formula which would base the limit of liability upon some measure of the risk, just as in the case of vessels and discharges from offshore facilities.

I suggested a formula which does not require any great originality. I was following the standard fixed for vessel spillages and suggested a formula that under the standard of strict liability, a dollar limit of liability was imposed of not to exceed $125 per ton of oil which such facility is capable of processing, transporting, transferring in any 24-hour period or storing in the largest unit of such onshore facility. The committee adopted this language unanimously.

In considering this legislation the committee was faced with a difficult problem of dealing with other substances whose discharge poses a threat to the water environment along with oil. Testimony received was inadequate to enable the committee to impose the same framework developed for oil as does the House bill. Therefore, through the initiative of Senator DOLE, the bill proposes to treat hazardous substances separately in section 13 and he is to be commended for his timely and important contribution. This section provides that the President shall designate hazardous substances which when discharged in any quantity in the navigable waters of the United States present a threat to public health and welfare.

The section also provides authority to the President to prepare regulations regarding the removal of such hazardous substances. Both in the designation and the promulgation of regulations the bill requires that the public, especially affected parties, be given full opportunity to participate. One critical problem faced in the discharge of any toxic material into water is notice to downstream water users. In both the oil and the hazardous substance sections, therefore, the bill requires that, upon discharge, the person in charge of a vessel or on or off-shore facilities shall immediately notify the United States. Failure to notify results in a criminal sanction. It is anticipated that under these two authorities, the United States will develop an efficient and wideranging network that will enable such information to be received and disseminated almost instantly. Such a system is clearly in the public interest.

Because the record did not support imposing liability for the cost of removal of hazardous substances, as it does in the case of oil, the Committee has authorized the President to submit a report to the Congress specifying what techniques are available for removal of hazardous substances and under what framework of liability costs could be recovered. This report is to be filed with the Congress by November 1, 1970. It is anticipated that this report will enable the Congress to effectively legislate to enable the recovery of the costs of removal discharged hazardous substances.

There has been some misunderstanding of the kind of discharge to which section 13 would apply. It should be noted that this section does not attempt to alter the basic provisions of the Water Quality Act of 1965 providing for water quality standards and enforcement provisions for such standards. Section 13 is designed to respond to those situations where hazardous substances have been discharged suddenly and inadvertently into waters of the United States, this could be a ruptured pipeline, an overturned truck, a leaking storage tank, or a vessel breaking up at sea. It should be emphasized that this matter does not grant to the Federal Government any authorities in excess of those granted in the Water Pollution Control Act of 1965 dealing with the abatement of continuous pollution from an industrial or other facility.

It is clear to those of us who sit on committees dealing with environmental matters that research simply does not exist in sufficient amounts to enable the development of programs, regulations, and procedures to remedy many forms of pollution. The research is not only lacking on the effects of these pollution problems; research does not even exist in sufficient quantities on the nature of the pollutant itself. S. 7 should go a long way to remedying the deficiency of knowledge that surrounds acid and mine drainage pollution that confronts many of our Appalachian communities and waterways. This is an urgent problem and I look forward to following the implementation of section 14 of this bill.

Another problem that none of us can be complacent with is the continuing and rapid deterioration of the Nation's Great Lakes. Special efforts are needed by all levels of Government to accomplish such remedial action as necessary to avoid irreversible deterioration of the water quality of the Great Lakes. Section 15 providing for demonstration projects to control pollution in the Great Lakes is designed as a limited step in that direction.

One of the paradoxes of our age is the fact that the Federal Government directly and indirectly contributes substantially to the degradation of the environment. Many Federal activities contribute directly to water pollution and these include such diverse activities as naval vessels discharging sewage and waste into the waters of the United States, dredging activities of the Corps of Engineers, and sewage and waste disposal from Federal facilities of all kinds. Indirectly, the Federal Government contributes to water pollution in its licensing activities over such things as nuclear power plants, hydroelectric power plants licensed by the Federal Power Commission and dredge and fill permits issued by the Army Corps of Engineers. S. 7 will require, without exception, that all Federal activities that have any effect on water quality be conducted so that water quality standards will be maintained. In the case of all Federal activities the bill declares a congressional mandate that these activities be conducted in compliance with water quality standards. This of course raises a problem of enforcement. However, if a Federal agency continues to pollute it would seem that private citizens affected by such pollution, and in a very real sense this would include each and every citizen, should be able to bring an abatement proceeding on their own behalf in a Federal court.

With respect to Federal licensing activity, the bill S. 7 requires that, as a part of the license activity, applicants must furnish certification from the State and affected States that the activity will comply with applicable water quality standards. During the course of consideration of the bill the committee was faced with difficult question regarding the application of this provision to dredging that demands further discussion analysis. Section 16 of the bill provides an integrated and comprehensive program designed to require compliance with applicable water quality standards in all Federal activity and federally licensed or permitted activity. While incorporating certain provisions necessary to provide for special characteristics of certain Federal licensing and permitting procedures, especially dredging, section 16 makes no exception for any licensed or permitted activity from its operative principle of State certification. Furthermore, section 16 is consistent with, and arises out of the policy of the 1965 act that the primary responsibility for controlling water pollution rests with the States. The committee has on innumerable occasions adhered to this principle and section 16 is another manifestation of it.

Under the Rivers and Harbors Act, 33 United States Code 403, no dredging or filling can be conducted in the navigable waters of the United States without a

permit from the Corps of Engineers. This includes, interlia, dredging for navigation purposes, sand and gravel exploitation and, real estate development.

Dredging for any of these purposes can and does affect water quality both in the active removal of spoil and in the open water disposal of dredge spoil. Both activities, it should be noted, in some circumstances, may be accomplished without any long-term degradation of water quality.

In drafting section 16 the committee has intensely studied its provisions vis-a-vis dredging and other federally-licensed or permitted activities. With respect to the special characteristics of dredging, the following steps have been incorporated into section 16.

First. The committee recognized that water quality standards considering temporary turbidity resulting from dredging operations involving otherwise nonpolluting spoil socially do not exist. Consequently, report language to accommodate this fact and give directions to the Secretary and to the States was prepared.

Second. The committee recognized that the disposal of dredged spoil, particularly from the contaminated sediments in major Great Lakes and marine ports, precludes dumping in open water if water quality standards are to be maintained. Consequently, alternative methods of spoil disposal must, in such cases, be adopted. Therefore, subsection (e) has been included in section 16 to make available to private dredgers, at a reasonable charge Federal spoil disposal areas.

Third. The committee has further recognized that the implementation of section 16 will cause an adjustment in practices followed in dredging and, of course, in all other activities conducted pursuant to a Federal license or permit. I suggested a "grace period" in which to develop new practices and procedures in order to achieve compliance with water quality standards in dredging operations. Consequently, paragraph (7) of subsection 16(c) provides that applications for Federal licenses or permits pending on the date of enactment is the Water Quality Improvement Act of 1969, which licenses and permits are issued within 1 year of such date, shall not require certification for 1 year following the date of such issuance. This provides, in effect, that a pending application could have from 1 to 2 years from the date of enactment before a certification of compliance would be required.

Fourth. The committee took the further step of providing that where there are no applicable water quality standards, in being or in preparation, no certification will be required. However, a Federal licensing or permitting agency, in such event, must impose, as a condition of any license or permit, a requirement that the licensee or permittee shall comply with the purposes of the act.

The Federal Water Pollution Control Act accomplished, for purposes relevant to understanding section 16, five things:

First, it states the policy of this Nation that there shall be enhancement of water quality;

Second, it declares that the primary responsibility to control water pollution rests with the States;

Third, it provides a factual test of maintenance and enhancement of water quality; that is, water quality standards;

Fourth, it provides that in the formation of water quality standards other policy interests must be considered;

Fifth, it provides that the court in reviewing alleged violations of standards, shall give consideration to "the practicability and to the physical and economic feasibility of complying with such standards." It should be noted that any court reviewing any challenged standards would look to this language as addition to 10(c)(3).

Consequently, there is built into the water pollution control procedure a system of checks and balances with two levels of objectivity: First, a measurable standard for determining compliance with water quality; and second a measure that can be challenged in a court of law to test whether the standards have been drawn consistent with the intent of Congress with regard to legitimate uses and feasibility. To make it absolutely clear that navigation is to be considered in the development of standards the committee adopted my amendment that inserts "navigation" into the factors to be considered in the development of standards under section 10(c)(3).

Testimony from all sources has revealed a great need for manpower and training to satisfy the technological demands required for pollution abatement. Senator Scott submitted an amendment that has been adopted by the committee and incorporated as section 17 to provide for a manpower training program designed to stimulate and develop professionalism, career achievement and satisfy the demand for servicing sewage and waste treatment facilities and operations. Without this kind of a program no amount of money or construction will be truly satisfactory for in the last analysis people are necessary to make programs and facilities operate efficiently. I look forward to the report that will be filed September 30, 1970, that will state future manpower needs and recommended improvements in training programs.

Lake eutrophication, a natural phenomenon, that has been greatly accelerated by man's activity in a process that demands full understanding. If we are to remedy the eutrophication that is now occurring at an accelerated rate on all of our Nation's estimated 10,000 lakes. S. 7 authorizes research necessary to achieve such understanding.

The remaining sections of title I provide necessary research authority to the Secretary of the Interior. I have already dwelled on the essential nature of research to the overall environmental quality effort and I only say now that these provisions should be vigorously implemented by the agency.

The legislative record from all committees on both sides of Congress has given a wealth of information on the Federal Government, its organization and policies, as they relate to environmental quality. It is obvious there is extreme fragmentation, there is poor communication, there is, in fact contradictory authority. For instance, the Department of the Interior is charged with, and has an extensive program in wetland preservation. On the other hand the Department of Agriculture has a program, and expends large amounts of money, for wetland reclamation. These problems have historical components; they have bureaucratic components; they have interest group components, and many others that all combine to make the Federal response to environmental quality one of the most complex problems facing this Congress.

The Committee on Public Works has held hearings on many aspects of environmental quality. It has had testimony from many agencies of government concerning their policies, procedures, and activities. Other committees such as the Committee on Interior and Insular Affairs has received similar testimony, the Committee on Commerce, the Committee on Labor and Public Welfare as well. On the House side the Committee on Merchant Marine and Fisheries, the Committee on Science and Astronautics, the Committee on Government Operations, have all received testimony indicating the depth of this problem.

From all of this testimony, a synthesis or integration can be made and an attempt begun that will enable us to reverse the trend of fragmentation, of overlap, of poor information exchange that now prevails. Title II of S. 7 represents one attempt to learn from all of the experience that is now available to us. It provides that there shall be established in the executive branch in the Office of the Presidency an Office of Environmental Quality. This Office is charged with reviewing the Federal operation and making recommendations to the President to implement through his Council of Environmental Quality, a Cabinet-level action organization designed to implement Presidential decisions and policy.

It is absolutely essential that we avoid placing this kind of responsibility in an agency or office of historical orientation and personnel staffing that would preclude it from operating efficiently in this area. It requires an office in the Executive Office of the President because the problems are found in all agencies and in all departments, therefore, only with the perspective of the Office of the Presidency will it be possible to make the necessary overview and analysis and the proper recommendations. It must be an office, too, that includes staffing of the character that will enable it to consider the broad and diverse issues involved in environmental quality.

These are simply not scientific matters, although there is a scientific component, they are not simply economic matters although there is an economic component, these are not simply fiscal matters although there is a fiscal component; rather these are problems that demand a new approach and orientation that can only be found from a new organization and cannot be found in any existing executive organization.

Many activities of the Federal establishment affecting environmental quality are under the jurisdiction of the Com-

mittee on Public Works. These include the rivers and harbors activities of the Corps of Engineers, the Federal highway program, and of course much of the economic development programs. All of these programs must be reviewed for their effect on environmental quality. The Office of Environmental Quality should help perform that review. This does not, however, allow us to escape our responsibilities and I hope that taking the policy enunciated in title II the Committee on Public Works will begin to review the statutory base on which these operations are made, the policies and procedures that have been developed in implementing these statutes, and of course the end product of these activities. It is expected the Committee on Public Works will soon begin a review of all activities within its jurisdiction for an analysis of the effect the operations have for environmental quality.

It is submitted that this Office of Environmental Quality combined with the President's establishment of a Council on Environmental Quality represents a comprehensive program that will contribute to the development of a truly responsive Federal Government.

Mr. President, I close by saying that I echo what the distinguished Senator from Florida (Mr. GURNEY) has said—that this is a landmark bill.

Without a quality environment we will never succeed in developing a quality of life. It is a first priority of this Nation, we cannot escape it and we must face this responsibility. I would hope that all of my colleagues share my concern on these issues because the public demands it and the public deserves it. The matter of environmental quality goes to each individual, rich and poor, white and black. A deteriorating environment does not descriminate, it effects us all and makes all of those problems which we do face much more difficult. When viewed in this light it becomes urgent that we begin to restore the quality to our environment and we must begin now.

AMENDMENT NO. 178

Mr. TYDINGS. Mr. President, I call up my amendment No. 178.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. TYDINGS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

AMENDMENT NO. 178

On page 73, between lines 15 and 16, insert the following:

"SEC. 106. Subsection (c) of section 8 of the Federal Water Pollution Control Act is amended to read as follows:

"'(c) In determining the desirability of projects for treatment works and of approving Federal financial aid in connection therewith, consideration shall be given by the Secretary to the public benefits to be derived by the construction and the propriety of Federal aid in such construction, the relation of the ultimate cost of constructing and maintaining the works to the public interest and to the public necessity for the works, and the adequacy of the provisions made or proposed by the applicant for such Federal financial aid for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof. The sums appropriated pursuant to subsection (d) for each fiscal year ending on or before June 30, 1965, and the first $100,000,000 appropriated pursuant to subsection (d) for each fiscal year beginning on or after July 1, 1965, shall be allotted by the Secretary from time to time, in accordance with regulations, as follows: (1) 50 per centum of such sums in the ratio that the population of each State bears to the population of all the States, and (2) 50 per centum of such sums in the ratio that the quotient obtained by dividing the per capita income of the United States by the per capita income of each States bears to the sum of such quotients for all the States. All sums in excess of $100,000,000 and not in excess of $400,000,000 appropriated pursuant to subsection (d) for any fiscal year beginning after June 30, 1969, shall be allotted among the States eligible for reimbursement pursuant to the seventh and eighth sentences of this subsection in the proportion that the amount each State is so eligible to receive on the first day of such fiscal year bears to the total such amounts on such day for all States, and such allotment shall not exceed the sum advanced and shall be available until the termination of six months following the fiscal year for which made only for the purpose of reimbursing such State pursuant to the seventh and eighth sentences of this subsection. All sums in excess of $400,000,000 appropriated pursuant to subsection (d) for each fiscal year ending after June 30, 1969, shall be allotted by the Secretary from time to time, in accordance with regulations, in the ratio that the population of each State bears to the population of all States. Sums allotted to a State under the three preceding sentences which are not obligated within six months following the end of the fiscal year for which they were allotted because of a lack of projects which have been approved by the State water pollution control agency under subsection (b)(1) of this section and certified as entitled to priority under subsection (b)(4) of this section, or for other reasons, shall be reallotted by the Secretary, on such basis as he determines to be reasonable and equitable and in accordance with regulations promulgated by him, to States having projects approved under this section for which grants have not been made for lack of funds: *Provided, however,* That whenever a State has funds subject to reallocation and the Secretary finds that the need for a project in a community in such State is due in part to any Federal institution or Federal construction activity, he may, prior to such reallocation, make an additional grant with respect to such project which will in his judgment reflect an equitable contribution for the need caused by such Federal institution or activity. Any sum made available to a State by reallotment under the preceding sentence shall be in addition to any funds otherwise allotted to such State under this Act. The allotments of a State under the second, fourth, and fifth sentences of this subsection shall be available, in accordance with the provisions of this section, for payments with respect to projects in such State which have been approved under this section, except that in the case of any project on which construction was initiated in such State after June 30, 1966, which was approved by the appropriate State water pollution control agency and which the Secretary finds meets the requirements of this section but was constructed without such assistance, such allotments for any fiscal year shall also be available, together with the allotments under the third sentence of this subsection, for payments in reimbursement of State or local funds used for such project to the extent that assistance could have been provided under this section if such project had been approved pursuant to this section and adequate funds had been available. In the case of any project on which construction was initiated in such State after June 30, 1966, and which was constructed with assistance pursuant to this section but the amount of such assistance was a lesser per centum of the cost of construction than was allowable pursuant to this section, such allotments shall also be available for payments in reimbursement of State or local funds used for such project to the extent that assistance could have been provided under this section if adequate funds had been available. Neither a finding by the Secretary that a project meets the requirements of this subsection, nor any other provision of this subsection, shall be construed to constitute a commitment or obligation of the United States to provide funds to make or pay any grant for such project. For purposes of this section, population shall be determined on the basis of the latest decenial census for which figures are available, as certified by the Secretary of Commerce, and per capita income for each State and for the United States shall be determined on the basis of the average of the per capita incomes of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce.'"

On page 73, lines 16, 19, and 23, redesignate sections 106, 107, and 108 as sections 107, 108, and 109, respectively.

Mr. TYDINGS. Mr. President, the amendment is designed to provide urgently required financial relief to those States that have advanced the Federal share of construction costs for water quality treatment plants and have not yet received reimbursement from the Federal Government.

The amendment allocates up to $300 million from the annual appropriations to those States eligible for reimbursement.

This amount would be sufficient to repay the seven States that advanced the Federal share.

The principal method to restore the quality of our waters is by construction of water quality treatment facilities. This is an enormous task, because many plants are required throughout the Nation. Recognizing this, in 1966, Congress passed the Clean Water Restoration Act authorizing $4.7 billion in grants over a period

of 6 years to States with pollution programs for construction of such facilities.

To receive Federal assistance, States were required to have their own program. A Federal-State partnership was thus created to clean up our waters. Unfortunately, Federal funds were not forthcoming in the amount either anticipated or required. In fiscal year 1966, $150 million was authorized, $121 million was appropriated. In fiscal year 1967, $150 million was again authorized and this time actually appropriated. But in fiscal year 1968, $450 million was authorized and less than half, $203 million, appropriated. In fiscal year 1969, $700 million was authorized, only $214 appropriated. For fiscal year 1970, a full $1 billion has been authorized, yet the appropriation request of the administration is for only $214 million. Thus, there is a great gap between the authorizations and the monies actually spent or actually appropriated.

To illustrate this gap, Mr. President, I ask unanimous consent to have printed at this point in the RECORD a table I have prepared entitled, "Gap in Funds for Construction of Water Quality Treatment Plants," as well as a chart entitled, "The Water Pollution Control Funding Gap," published in the September 1969 issue of Nation's Cities.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GAP IN FUNDS FOR CONSTRUCTION OF WATER QUALITY TREATMENT PLANTS

Fiscal year	Authorized	Appropriated
1961	$50,000,000	$46,000,000
1962	80,000,000	80,000,000
1963	90,000,000	90,000,000
1964	100,000,000	90,000,000
1965	100,000,000	93,000,000
1966	150,000,000	121,000,000
1967	150,000,000	150,000,000
1968	450,000,000	203,000,000
1969	700,000,000	214,000,000
1970	1,000,000,000	[1] 214,000,000
1971	1,250,000,000	
Total, including 1971	4,120,000,000	1,291,000,000
Total, excluding 1971	2,870,000,000	1,291,000,000

[1] Requested.

THE WATER POLLUTION CONTROL FUNDING GAP

AUTHORIZATIONS VERSUS ALLOCATIONS UNDER THE 1966 CLEAN WATERS RESTORATION ACT

[In millions]

States	1968		1969		1970		1968–70 Funding Gap Total [1]			
	Authorized	Allocated	Authorized	Allocated	Authorized	Allocated	Total dollars authorized	Total dollars allocated	Total dollars gap	Percent not funded
Total	$450.0	$203.0	$700.0	$214.0	$1,000.0	$214.0	$2,150.0	$631.0	$1,519.0	70.7
Alabama	8.4	4.1	12.9	4.1	18.3	4.1	39.6	12.3	27.3	68.9
Alaska	1.2	.9	1.5	.9	1.9	.9	4.6	2.7	1.9	41.3
Arizona	3.8	2.0	5.6	2.1	7.8	2.1	17.2	6.2	11.0	64.0
Arkansas	5.2	2.9	7.6	2.8	10.6	2.8	23.4	8.5	14.9	63.7
California	35.3	14.6	56.9	14.9	82.8	14.9	175.0	44.4	130.6	74.6
Colorado	4.7	2.4	7.1	2.4	10.0	2.4	21.8	7.2	14.6	67.0
Connecticut	6.2	2.9	9.7	2.9	13.9	2.9	29.8	8.7	21.1	70.8
Delaware	1.6	1.1	2.3	1.1	3.0	1.1	6.9	3.3	3.6	52.2
District of Columbia	2.3	1.3	3.3	1.3	4.6	1.3	10.2	3.9	6.3	61.8
Florida	11.8	5.3	18.6	5.4	26.8	5.4	57.2	16.1	41.1	71.9
Georgia	9.8	4.6	15.1	4.6	21.6	4.6	46.5	13.8	32.7	70.3
Hawaii	2.2	1.4	3.0	1.3	4.1	1.4	9.3	4.1	5.2	55.9
Idaho	2.5	[2].5	3.4	1.6	4.5	1.6	10.4	3.7	6.7	64.4
Illinois	22.9	9.6	36.7	9.8	53.4	9.8	113.0	29.2	83.8	74.2
Indiana	11.1	4.9	17.5	5.0	25.2	5.0	53.8	14.9	38.9	72.3
Iowa	6.9	3.3	10.7	3.3	15.3	3.3	32.9	9.9	23.0	69.9
Kansas	5.7	2.8	8.6	2.8	12.2	2.8	26.5	8.4	18.1	68.3
Kentucky	7.8	3.7	12.0	3.8	17.0	3.8	36.8	11.3	25.5	69.3
Louisiana	8.3	4.0	12.7	4.0	18.1	4.0	39.1	12.0	27.1	69.3
Maine	3.1	1.9	4.5	1.9	6.1	1.9	13.7	5.7	8.0	58.4
Maryland	7.5	3.5	11.8	3.6	17.0	3.6	36.3	10.7	25.6	70.5
Massachusetts	12.0	5.3	19.1	5.4	27.6	5.4	58.7	16.1	42.6	72.6
Michigan	18.0	7.7	28.7	7.8	41.6	7.8	88.3	23.3	65.0	73.6
Minnesota	8.4	3.9	13.1	3.9	18.7	3.9	40.2	11.7	28.5	70.9
Mississippi	6.2	3.4	9.2	3.4	12.8	3.4	28.2	10.2	18.0	63.8
Missouri	10.3	4.7	16.3	4.8	23.4	4.8	50.0	14.3	35.7	71.4
Montana	2.4	[2].7	3.3	1.5	4.5	1.5	10.2	3.7	6.5	63.7
Nebraska	4.0	2.2	5.9	2.1	8.2	2.1	18.1	6.4	11.7	64.6
Nevada	1.2	.9	1.7	.9	2.2	1.0	5.1	2.8	2.3	45.1
New Hampshire	2.2	1.4	3.0	1.4	4.0	1.4	9.2	4.2	5.0	54.3
New Jersey	14.0	6.1	22.4	6.2	32.4	6.2	68.8	18.5	50.3	73.1
New Mexico	3.1	[2].7	4.4	1.9	6.0	2.1	13.5	4.7	8.8	65.2
New York	37.6	15.5	60.7	15.8	88.4	15.8	186.7	47.1	139.6	74.8
North Carolina	11.1	5.2	17.4	5.2	24.9	5.1	53.4	15.5	37.9	71.0
North Dakota	2.3	[2].3	3.3	1.6	4.3	1.6	9.9	3.5	6.4	64.6
Ohio	22.1	9.4	35.5	9.6	51.5	9.6	109.1	28.6	80.5	73.8
Oklahoma	6.1	3.1	9.3	3.1	13.2	3.1	28.6	9.3	19.3	67.5
Oregon	4.7	2.4	7.1	2.4	10.1	2.4	21.9	7.2	14.7	67.1
Pennsylvania	25.7	10.8	41.3	11.0	60.0	11.0	127.0	32.8	94.2	74.2
Rhode Island	2.7	1.6	3.9	1.6	5.3	1.6	11.9	4.8	7.1	59.7
South Carolina	6.5	3.4	9.7	3.4	13.7	3.3	29.9	10.1	19.8	66.2
South Dakota	2.5	[2].3	3.5	1.7	4.6	1.8	10.6	3.8	6.8	64.2
Tennessee	9.0	4.3	13.9	4.3	19.8	4.3	42.7	12.9	29.8	69.8
Texas	22.0	9.4	35.2	9.6	51.0	9.6	108.2	28.6	79.6	73.6
Utah	2.9	[2].7	4.1	1.8	5.6	1.8	12.6	4.3	8.3	65.9
Vermont	1.8	1.4	2.4	1.3	3.0	1.3	7.2	4.0	3.2	44.4
Virginia	9.7	4.5	15.1	4.5	21.7	4.5	46.5	13.5	33.0	71.0
Washington	7.0	3.3	11.0	3.3	15.7	3.3	33.7	9.9	23.8	70.6
West Virginia	5.2	2.7	7.8	2.8	10.8	2.8	23.8	8.3	15.5	65.1
Wisconsin	9.5	4.4	15.0	4.4	21.5	4.4	46.0	13.2	32.8	71.3
Wyoming	1.5	[2].005	2.1	1.2	2.6	1.2	6.2	2.4	3.8	61.3
Guam	1.6	[2].8	1.6	1.5	1.7	1.4	4.9	3.7	1.2	24.5
Puerto Rico	6.6	3.5	9.8	3.5	13.7	3.5	30.1	10.5	19.6	65.1
Virgin Islands	1.5	1.5	1.5	1.4	1.6	1.4	4.6	4.3	.3	6.5

[1] 1970 appropriations still pending.

[2] Actual amounts used by these 8 States although they were entitled to use more. Unused amount totaling $8,300,000 from these 8 reallocated to other States.

Source: Federal Water Pollution Control Administration.

Mr. TYDINGS. The result of this gap has been a severe setback for pollution control.

Congress did recognize, however, at the time the bill was written and passed, that immediate appropriation of all construction grant funds was not likely and that several States, New York and Maryland, to name just two, were prepared to move ahead on their own more rapidly than the availability of Federal funds. These States recognized the danger to our environment of water pollution and had set aside, or were prepared to set aside, money to help abate it. Yet they were understandably reluctant to forge ahead without sufficient Federal assistance if other States, by waiting until both the scale of authorizations and level of actual funding increased, would receive greater financial support.

These States would then have been penalized for being progressive.

Congress therefore included in the 1966 act a provision permitting Federal reimbursement of those projects, approved by both the State water pollution

agency and the Secretary of the Interior, for which the States had advanced the Federal share of project cost. In their partnership with the Federal Government, several States prefinanced the Federal share so as not to lose momentum and time in the task of cleaning up the waters.

They did so, of course, with the understanding and belief that the Federal Government would honor the partnership, live up to the bargain, and repay the amounts advanced.

The Federal Government has not done so. Reimbursables, in the sum of nearly $300 million, have not been forthcoming to those States which have moved ahead in cleaning up their waters.

The inevitable result has been financial trouble for those States which have shown initiative and progress. They have not been repaid, and their water pollution programs are thereby in jeopardy.

The States affected are Connecticut, owed $60,900,000; New York, owed $150,315,000; Maine, owed $3,500,000; Massachusetts, due $8,500,000; Vermont, due $677,000; Pennsylvania, $16,095,000; and Maryland, owed $52,957,000.

The Federal Government owes these seven States a total of $292,944,000.

It is ironic that in a time when we increasingly emphasize the need to revitalize State and local governments, we are penalizing the very States we should be rewarding.

In a time when there is much talk about revitalizing State government, we have before us an example of seven States which acted on their own, with their own money, to meet head on a major problem. They are now being rewarded with sympathy rather than the money they deserve.

These seven States should be paid back. Fair play demands it.

My amendment, if adopted, would do it.

It provides for an allotment of up to $300 million to States eligible for reimbursement. It states that funds appropriated for construction of water quality treatment plants, in excess of $100 million and not more than $400 million, shall be allotted to States which prefinanced the Federal share.

Section 8 of the Federal Water Pollution Control Act deals with construction grants. Subsection (d) provides the authorizations for grants till fiscal year 1971. Subsection (c) determines how funds appropriated will be distributed. It also includes the reimbursement provision and is the section of the act I seek to amend.

Essentially, three patterns or bases of distribution are apparent in 8(c). The first is population. Of the sums appropriated, the first $50 million and all funds in excess of $100 million are distributed on the basis of population of the State. The specific basis is "the ratio that the population of each State bears to the population of all the States." The second pattern is per capita income. Of the first $100 million appropriated, the second $50 million is distributed "in the ratio that the quotient obtained by dividing the per capita income of each State bears to the sum of such quotients for all the States." What this means, in simple language, is that the poorer State gets a little better break. The third pattern of distribution is what I shall call, for lack of a better term, Federal involvement. There is a provision in 8(c) which provides additional funds for a State whose pollution problem is heightened by the presence of Federal installations or construction activities.

In a sense there is another pattern, found in 8(d). There, a provision states that of the first $100 million appropriated for water pollution construction grants, at least half shall go to municipalities with populations of 125,000 or under.

This amendment eliminates none of these patterns of distribution. Funds appropriated would still be allocated on the basis of population, per capita income, Federal involvement, and the size of municipality.

What it does is to add another pattern. Funds appropriated would also be distributed on the basis of the amount of the Federal share a State has advanced in anticipation of reimbursement.

The amendment provides that the second, third, and fourth hundred million dollars appropriated, thus a sum of up to $300 million, shall be alloted to States eligible for reimbursement from the Federal Government. The specific basis for distribution of these money—whether it be $300 million, $200 million, or $100 million—is the ratio that the amount each State has prefinanced bears to the total amount of prefinancing done by all the States.

For example, if a State has prefinanced X and the sum total of all the prefinancing is Y, then the amount the State receives under my amendment is Xk/Y, where k is the money appropriated and allocated by this amendment. In no case, however, could this be over $300 million. It might be less, depending on the 8(d) appropriation.

To make it clearer, I have prepared a small chart entitled "Allocations of Reimbursement Funds Under Proposed Tydings Amendment, Revised," and I ask unanimous consent that it be printed in the RECORD at the conclusion of my prepared statement. The table shows how my amendment would work.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. TYDINGS. Mr. President, looking at it, we see that Maine has prefinanced $3.5 million for water pollution control. This represents the Federal portion of Maine's program which the State has advanced on her own. It is the amount she is eligible for reimbursement. It represents 1.19 percent of the $292,944,000 total prefinanced by the seven States.

Under my amendment, which allocates "all sums in excess of $100,000,000 and not in excess of $400,000,000 appropriated pursuant to subsection (d)," Maine would receive $3,700,000 if the appropriation were $400 million or more. If this were the case $300 million would be alloted for reimbursement. Maine's program would be paid for. If it were less, the amount would be reduced proportionately.

The chart indicates that under the maximum amount permitted by the amendment, $300 million—which will be available as long as the 8(d) appropriation exceeds $400 million—the seven States would be allotted funds a little over the amount they actually prefinanced.

The purpose of my amendment is to ensure the Federal Government pay what it owes to these States. It is not to get them additional funds above and beyond what they prefinanced. Thus there is language in the amendment which says that any reimbursement "shall not exceed the sum advanced."

In cases where there are funds left over, where the amendment allocates money that is not obligated, provision is made for these funds to be redistributed by the Secretary according to regulations he promulgates.

Maryland is another example of a State that would justly benefit from this amendment. Conscious of how important her water resources are, Maryland embarked on a major effort to restore their quality. The State has prefinanced 79 projects worth $52,957,000, a significant sum for a State the size of Maryland. Like the other six, she is waiting for the Federal Government to pay her back.

Should the section 8(d) appropriation be $300 million, the amendment would provide $200 million for reimbursement.

Maryland's percentage of total prefinancing is 18.08 percent. She would thus receive 18.08 percent of the funds available—$200 million—which is $36,160,000.

I wish to make it clear that the amendment does not affect the level of fiscal year 1970 appropriations for water quality treatment facilities. This is found in the public works appropriation bill which should come to the floor late in the session. My amendment affects title I of S. 7 which amends the Federal Water Pollution Control Act.

I am concerned, with this amendment, not with the level of appropriations but the distribution of whatever funds are appropriated.

The present appropriation request is $214 million. This is clearly inadequate as the Citizens Crusade for Clean Water has pointed out. It is likely that the Senate committee will up the $214 million to $600 million. I hope they will. I would fully support such an increase and feel it is required if we are ever to clean up our waters and restore the quality of our environment.

The amendment thus does not alter the level of appropriations.

Neither does it eliminate the present distribution pattern of appropriated funds. Population, per capita income and size of municipality are allotted funds prior to the amendment's taking effect. So, in part, is population, although some funds for this pattern could be diverted for reimbursement. Yet with the expected $600 million appropriation there will be ample funds for both population and reimbursement patterns.

Nor does the amendment make forever permanent the section 8(c) distribution patterns; 8(d) authorizations expire at the end of fiscal year 1971. Renewal will

require extensive hearings at which further consideration can be given to the prefinancing problem; 8(c) could be changed at this time. In the meantime, however, seven-State water pollution programs are in financial jeopardy. They should be reimbursed now, without having to wait any further.

They require and deserve immediate reimbursement.

Such repayment by the Federal Government is essential. Without it, the financial integrity and stability of these programs are threatened. The success and continuity of the national effort to clean our waters depend on our paying for the water treatment facilities we construct.

The amendment will help us pay what we owe, some $292,944,000. It will help restore the confidence of the States in the grant programs of the Federal Government. This confidence has been severely shaken by instances such as this where the Federal Government fails to reimburse and violates the State-Federal partnership.

By adopting the reimbursement provision, the United States placed its good faith and credit on the line. If the Federal Government fails to meet its end of the bargain, the States trust in Federal programs will erode even further.

As David Dominick, the present Commissioner of the Federal Water Pollution Control Administration has noted:

> It is most important that we make every effort in Washington to keep faith with the states that have already begun construction on their own.

The amendment will reward State initiative and provide an incentive for other States to move ahead.

Indeed, one of the original reasons for accepting the reimbursement provisions was the incentive it would offer States to finance water pollution programs prior to receiviing Federal assistance. That it was successful is evident in a letter of May 17, 1968, which I received from James B. Coulter, then Maryland's Assistant Commissioner Environmental Health Services and now Deputy Secretary of Maryland's Department of Natural Resources. Mr. Coulter wrote:

> The provision for repayment of state funds advanced to cover deficiencies in federal grant offers has made it possible for us to arrange a financing scheme combining state and federal funds designed to eliminate our backlog needs for municipal sewage treatment plants by 1971.

Another advantage to the States was pointed out by the distinguished junior Senator from Maine, Senator MUSKIE, during the 1966 water pollution hearings. Senator MUSKIE noted that the reimbursement provision would actually save money. Said Senator MUSKIE:

> As a matter of fact, I think it is an economy provision, because if we can enable the States like New York, which are in a position to do so, to press ahead with construction early with this prefinancing measure, they will build plants at lower cost than those who have to build them later. I think we will save money.

State government must now play a greater role in our affairs. We have learned that the Federal Government cannot do everything. Yet State responsibility for water quality control has always been primary, as the act's declaration of policy specifically states. Some States have met this responsibility and require now only that the Federal Government keep its part of the bargain. My amendment will bring this about.

It put the money where the action is.

In determining which projects are to receive Federal assistance, the Secretary is required in section 8(c) to consider "the propriety of Federal aid." Surely there are no projects more deserving of such assistance than those whose Federal share of costs have been advanced by the States.

It should be noted that section 8(d) contains the statement:

> Neither a finding by the Secretary that a project meets the requirements of this subsection, nor any other provision of this subsection, shall be construed to constitute a commitment or obligation of the United States to provide funds to make or pay any grant for such project.

But with the acceptance of the reimbursement provision, a promise was undertaken and agreement made.

The term used in drafting the provision was "prefinancing." The use of the prefix indicates that the States were financing before the Federal Government paid its share, not instead of the share itself. Were that the case, there would be no need for a partnership.

Maine, Maryland and the other five States advanced the Federal share of projects costs; they did not assume the share.

The 1966 report on S. 2947—Report No. 1367, 89th Congress, second session, July 11, 1966—in its section on reimbursement speaks of a "prefinancing provision" that will provide the Federal share "as it becomes available." The sentence does not read, "if it becomes available." The presumption is that it will and that the States will be paid back. But they have not been. My amendment merely provides that they are and is consistent with the philosophy of the water pollution legislation.

The "certain risk" which the report says is assumed by States which prefinance refers to a delay in reimbursement, not to the issue of whether reimbursement takes place. It is a time risk rather than a payment risk.

Mr. President, I would like now to answer three criticisms which this amendment has received. The first concerns the maximum amount available for reimbursement. The amendment provides up to $300 million for this purpose. It is argued that this is too much. Three hundred million dollars is half the expected fiscal year 1970 appropriation, and leaves 43 other States with practically nothing.

I would answer that the sum of $300 million was selected with great care, and for a simple reason. It is approximately what the Federal Government owes the seven States—the actual figure is $292,944,000. It is what they are due. It leaves, moreover, $300 million—assuming a $600 million appropriation—for normal distribution. This is above the $214 million fiscal year 1969 appropriation, above the administration's $214 million fiscal year 1970 budget request, and is a significant sum of money.

The second criticism involves those States that moved ahead in pollution control with their own money prior to the adoption of the reimbursement provision. To be consistent, should not they receive Federal assistance also? Have not these States shown real leadership in meeting their responsibilities? Do they not deserve to be rewarded?

The answer to the last question is no. These States, and I applaud their action indeed—Maryland is also one of them, in this case moved without advancing Federal funds and without anticipating reimbursement. The acceptance of the reimbursement provision constituted a new, distinct, and specific partnership between State and Federal Governments that came into being as soon as the act passed. Reimbursement is due only those States that acted within its framework. It is not due States that acted prior to the existence of the partnership. These States could not and did not expect reimbursement.

Finally, the last criticism involves the amendment's deletion of the provision limiting reimbursement only to July 1, 1971. The reasoning behind the inclusion of the expiration date was to avoid an open ended commitment and insure acceptance of the reimbursement provision by the Senate. But this expiration date has had an unfortunate effect. It has forced the seven States to conclude that quite possibly unless they are reimbursed before July 1, 1971, they may not be reimbursed at all. As can be imagined, this has caused them great concern. The deletion of this provision would be a sign to these States that the Federal Government in good faith intends to repay them, if only eventually. It would assuage their fears and restore some of their confidence in the reimbursement provision and in the Federal Government itself.

Mr. President, the seven States have waited long enough. It is high time they are reimbursed for the funds they advanced in order to have progressive, worthwhile water pollution control programs.

It is the purpose and effect of my amendment to provide these funds.

Mr. President, I ask unanimous consent that following the printing in the RECORD of the tables referred to in my speech, a fourth chart entitled "State Funds Advanced in Lieu of Federal Funds for Construction of Sewage Treatment Facilities" be printed in the RECORD. This chart offers additional information about the prefinancing problem. I also ask unanimous consent that the text of my amendment be printed in the RECORD, as well as a letter to me from James B. Coulter dated June 18, 1969; a letter to me from Louis S. Clapper of the National Wildlife Federation dated September 9, 1969; the testimony of Maryland Gov. Marvin Mandel to the Appropriations Committee's Subcommittee on Public Works dated June 9, 1969; a resolution of the Maryland General Assembly's Legislative Council Committee on Intergovernmental Cooperation; a fifth chart

entitled "Tentative State Allocations of Fiscal Year 1970 FWPCA Grant Funds Under Selected Levels of Appropriations" which indicate how different levels of section 8(d) funds would be distributed under present law without my amendment; an excellent article by Raymond L. Bancroft, managing editor of Nation's Cities, in their September 1969 issue entitled, "Are the Cities Trapped in the Water Pollution Control Funding Gap?"; a letter to me from C. W. Metcalf, director municipal services for the New Hampshire Water Supply and Pollution Control Commission dated September 30, 1969; and a letter to me from J. W. Penfold, conservation director of the Izaak Walton League of America dated September 30, 1969.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE FUNDS ADVANCED IN LIEU OF FEDERAL FUNDS FOR CONSTRUCTION OF SEWAGE TREATMENT FACILITIES

States	Number of projects	Cost	Federal grant entitlement	Federal grants made	State funds advanced (eligible to be reimbursed)
Total	295	$948,787,000	$334,077,000	$41,133,000	$292,944,000
Connecticut	38	121,400,000	64,280,000	3,380,000	60,900,000
New York	70	548,000,000	165,823,000	15,508,000	150,315,000
Maine	7	11,700,000	6,300,000	2,800,000	3,500,000
Massachusetts	12	20,800,000	9,900,000	1,400,000	8,500,000
Vermont	3	2,400,000	1,287,000	610,000	677,000
Pennsylvania	86	125,493,000	27,063,000	10,968,000	16,095,000
Maryland	79	118,994,000	59,424,000	6,467,000	52,957,000

AMENDMENT No. 178

On page 73, between lines 15 and 16, insert the following:

"SEC. 106. Subsection (c) of section 8 of the Federal Water Pollution Control Act is amended to read as follows:

"'(c) In determining the desirability of projects for treatment works and of approving Federal financial aid in connection therewith, consideration shall be given by the Secretary to the public benefits to be derived by the construction and the propriety of Federal aid in such construction, the relation of the ultimate cost of constructing and maintaining the works to the public interest and to the public necessity for the works, and the adequacy of the provisions made or proposed by the applicant for such Federal financial aid for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof. The sums appropriated pursuant to subsection (d) for each fiscal year ending on or before June 30, 1965, and the first $100,000,000 appropriated pursuant to subsection (d) for each fiscal year beginning on or after July 1, 1965, shall be allotted by the Secretary from time to time, in accordance with regulations, as follows: (1) 50 per centum of such sums in the ratio that the population of each State bears to the population of all the States, and (2) 50 per centum of such sums in the ratio that the quotient obtained by dividing the per capita income of the United States by the per capita income of each State bears to the sum of such quotients for all the States. All sums in excess of $100,000,000 and not in excess of $400,000,000 appropriated pursuant to subsection (d) for any fiscal year beginning after June 30, 1969, shall be allotted among the States eligible for reimbursement pursuant to the seventh and eighth sentences of this subsection in the proportion that the amount each State is so eligible to receive on the first day of such fiscal year bears to the total such amounts on such day for all States, and such allotment shall not exceed the sum advanced and shall be available until the termination of the six months following the fiscal year for which made only for the purpose of reimbursing such State pursuant to the seventh and eighth sentences of this subsection. All sums in excess of $400,000,000 appropriated pursuant to subsection (d) for each fiscal year ending after June 30, 1969, shall be allotted by the Secretary from time to time, in accordance with regulations, in the ratio that the population of each State bears to the population of all States. Sums allotted to a State under the three preceding sentences which are not obligated within six months following the end of the fiscal year for which they were allotted because of a lack of projects which have been approved by the State water pollution control agency under subsection (b) (1) of this section and certified as entitled to priority under subsection (b) (4) of this section, or for other reasons, shall be reallotted by the Secretary, on such basis as he determines to be reasonable and equitable and in accordance with regulations promulgated by him, to States having projects approved under this section for which grants have not been made for lack of funds: Provided, however, That whenever a State has funds subject to reallocation and the Secretary finds that the need for a project in a community in such State is due in part to any Federal institution or Federal construction activity, he may, prior to such reallocation, make an additional grant with respect to such project which will in his judgment reflect an equitable contribution for the need caused by such Federal institution or activity. Any sum made available to a State by reallotment under the preceding sentence shall be in addition to any funds otherwise allotted to such State under this Act. The allotments of a State under the second, fourth, and fifth sentences of this subsection shall be available, in accordance with the provisions of this section, for payments with respect to projects in such State which have been approved under this section, except that in the case of any project on which construction was initiated in such State after June 30, 1966, which was approved by the appropriate State water pollution control agency and which the Secretary finds meets the requirements of this section but was constructed without such assistance, such allotments for any fiscal year shall also be available, together with the allotments under the third sentence of this subsection, for payments in reimbursement of State or local funds used for such project to the extent that assistance could have been provised under this section if such project had been approved pursuant to this section and adequate funds hade been available. In the case of any project on which construction was initiated in such State after June 30, 1966, and which was constructed with assistance pursuant to this section but the amount of such assistance was a lesser per centum of the cost of construction than was allowable pursuant to this section, such allotments shall also be available for payments in reimbursement of State or local funds used for such project to the extent that assistance could have been provided under this section if adequate funds had been available. Neither a finding by the Secretary that a project meets the requirements of this subsection, nor any other provision of this subsection, shall be construed to constitute a commitment or obligation of the United States to provide funds to make or pay any grant for such project. For purposes of this section, population shall be determined on the basis of the latest decennial census for which figures are available, as certified by the Secretary of Commerce, and per capita income for each State and for the United States shall be determined on the basis of the average of the per capita incomes of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available for the Department of Commerce.'"

On page 73, lines 16, 19, and 23, redesignate sections 106, 107, and 108 as sections 107, 108, and 109, respectively.

JUNE 18, 1968.

Hon. JOSEPH D. TYDINGS,
U.S. Senator,
Washington, D.C.

DEAR SENATOR TYDINGS: You hit the nail on the head in your letter of June 4, 1968 when you observed: "Leadership in water pollution control among the states should be rewarded, not penalized." I am sure that is not only your goal but that of our friends in the Federal Water Pollution Control Administration. However, even though I am certain no one intended to harm Maryland's program, two provisions of the Administration's bill, H.R. 15907 and companion bill S. 3206, would hurt us badly. These are the proposals to do away with the reimbursement feature and the requirement that bonds sold to prefinance Federal grant offers be taxable.

I have been in touch with Congressman Fallon's office and he has been very helpful. Enclosed is a copy of a statement I prepared for the record at the request of Congressman Blatnik. Mr. Maurice Tobin in Congressman Blatnik's office talked with me as a result of my correspondence with Congressman Fallon. The statement contains a brief summary of the Federal-State-local program that is working so well for us and the difficulties we would encounter under H.R. 15907. However, I might be able to more precisely pinpoint the exact problems in funding that we visualize.

First of all, Maryland is advancing the full amount of both Federal and State grants as sewage treatment plants are constructed. Therefore, there would be no reason for our communities to enter into the proposed contract arrangement with the Federal Government.

When the General Assembly considered prefinancing of Federal grants, the reimbursement provision added by Section 204, PL 89–753, the Water Quality Act of 1965, proved a powerful incentive. In 1967, the General Assembly authorized 50 million dollars and in this last session an additional 100 million dollars was added to a Sanitary Facilities Fund. When a Federal grant offer is made, money is made available from this fund to cover the outright State grant and any deficiency in the Federal offer. Should future Federal appropriations be sufficient to reimburse the money advanced, the reimbursement would go back into the Sanitary Facilities Fund to be used to finance still more sewage treatment works. With only a moderate degree of optimism, we believed that the fund would insure catching up with backlog needs by 1971 and staying abreast of growth needs into the early 1980's.

It was our hope that the reimbursement feature would be renewed when it expired in 1971. To terminate it on July 1, 1968, as proposed in the current amendments, would be a cruel blow to our program aspirations. I don't see how the State could continue to fund Federal grant offers if there was no statutory basis for hope that the money would be reimbursed. If we cut our rate of

construction back to the present rate of Federal dollars allotted to Maryland, it would take 15 years to do what we now plan to do by 1971; i.e., bring all plants up to a level of secondary treatment with disinfection of all effluents by 1971.

We might be able to amend the State law (but that in itself would cause delay and introduce a large element of uncertainty) to take advantage of the contract arrangement whereby the Federal Government would pay principal and interest on bonds sold to finance the Federal share, but the proposed taxable requirement for bonds sold for that purpose rules it out. Our bonds are of the general revenue type retired from real estate taxes. A special issue is not sold to finance sewage treatment plant construction. Rather, from time to time as need dictates, the State borrows money through sale of bonds and distributes the proceeds to various capital improvement projects and funds such as the Sanitary Facilities Fund. Our estimated needs during a quarter, or some other period of time, are lumped with the needs of other activities and one sale of State bonds is made to cover all of the needs.

Assuming, but not conceding, that the taxable provision is justifiable and desirable, placing a Federal tax on general revenue bonds of the State would be objectionable if not downright unconstitutional. If someone wants to fight that issue, I wish they would choose something other than water pollution control works for the test case. Besides, the complications resulting from setting up special bond issues for this purpose, establishing the contracts, and keeping records on the status of repayment on myriads of grant offers would drastically worsen an already bad bookkeeping problem.

Please be assured that we are grateful for your assistance in this matter and your continuing support of Maryland's Environmental Health Program. If we can be of assistance in return, please do not hesitate to call on us.

Sincerely yours,

JAMES B. COULTER,
Assistant Commissioner,
Environmental Health Services.

NATIONAL WILDLIFE FEDERATION,
Washington, D.C., September 9, 1969.

Hon. JOSEPH D. TYDINGS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: We have been interested in learning of your intention to propose an amendment to S. 7, amending the Federal Water Pollution Control Act, and welcome an invitation to comment upon it.

As we understand it, your proposed amendment would provide that construction funds in excess of $100 million and up to $400 million would be allocated to those States which have pre-financed Federal contributions. In short, this amount (up to $300 million) would go to seven States.

The National Wildlife Federation has been gravely concerned about the failure of the Federal Government to live up to its commitments to the States in grants for the construction of municipal waste treatment plants. It is this reason, principally, that our organization has supported efforts of the "Citizens' Crusade for Clean Waters," asking the President to seek the full $1 billion authorized in construction grants. It naturally follows that in the most precarious financial conditions are those States which pre-financed grants on the assurance that the Federal share would be forthcoming. Therefore, we fully understand and appreciate your concern in this regard, and it is our opinion that the full $1 billion authorized should be appropriated in order that the Federal Government can meet all of its commitments. If this is done, the allocation of $300 million for priority treatment to those States which already have financed the Federal share would not appear to be unreasonable.

Sincerely,

LOUIS S. CLAPPER,
Conservation Director.

RESOLUTION

Resolution of the Legislative Council Committee on Intergovernmental Cooperation concerning appropriations to the states for Water Pollution Control Programs

Whereas, the Congress of the United States enacted a Water Pollution Control Act which became effective in 1957 for the purpose of encouraging and assisting the states in the development of facilities to carry out the intent of the Act; and

Whereas, the State of Maryland has vigorously cooperated in this program since its inception, having authorized bond issues between 1957 and 1968 totalling more than $176 million for this purpose; and

Whereas, the Federal Government has provided funds for the cost of qualifying projects in Maryland only to the extent of about $21,500,000 as opposed to an amount of approximately $90 million more than the State would have received if adequate funds had been authorized and appropriated; and

Whereas, the amount authorized by Congress for Fiscal 1970 is $1 billion, while the administration budget provided for an appropriation of only $214 million—Maryland's share of which would be only approximately $3,550,000; and

Whereas, this State is still faced with a very great cost for facilities to eliminate water pollution; now, therefore, be it

Resolved that the Legislative Council Committee on Intergovernmental Cooperation of the Maryland General Assembly urges its Congressional Delegation to take whatever action may be necessary to increase the appropriation for the 1970 Fiscal Year to the full authorization; and to bring about a sufficient increase in future authorizations and appropriations of monies to fully implement the purposes of the Water Pollution Control Act; and be it further

Resolved, That copies of this Resolution be submitted to each Maryland Congressman and United States Senator.

TENTATIVE STATE ALLOCATIONS OF FISCAL YEAR 1970 FWPCA GRANT FUNDS UNDER SELECTED LEVELS OF APPROPRIATION

	$214,000,000	$300,000,000	$600,000,000	$1,000,000,000
Total				
Alabama	4,135,700	5,681,300	11,072,900	18,261,700
Alaska	906,100	1,013,100	1,386,300	1,883,900
Arizona	2,125,400	2,741,500	4,890,700	7,756,300
Arkansas	2,835,800	3,681,000	6,629,000	10,559,900
California	14,882,600	22,318,800	48,258,800	82,845,600
Colorado	2,414,900	3,244,800	6,139,500	9,999,100
Connecticut	2,942,200	4,141,700	8,325,700	13,904,600
Delaware	1,100,300	1,311,500	2,047,900	3,029,900
District of Columbia	1,315,300	1,676,800	2,937,600	4,618,900
Florida	5,386,400	7,729,100	15,901.500	26,797,900
Georgia	4,589,000	6,454,600	12,962,500	21,639,600
Hawaii	1,355,700	1,655,000	2,699,400	4,091,800
Idaho	1,589,400	1,905,000	3,005,900	4,474,000
Illinois	9,784,300	14,553,900	31,192,300	53,376,700
Indiana	5,008,400	7,214,300	14,909,400	25,169,300
Iowa	3,311,000	4,615,600	9,166,700	15,234,600
Kansas	2,812,700	3,843,400	7,439,000	12,233,000
Kentucky	3,827,100	5,264,500	10,278,700	16,964,300
Louisiana	4,009,800	5,550,700	10,926,000	18,093,300
Maine	1,853,100	2,311,700	3,911,300	6,044,100
Maryland	3,552,100	5,019,100	10,136,500	16,959,700
Massachusetts	5,382,800	7,818,700	16,315,900	27,645,500
Michigan	7,809,500	11,510,900	24,422,500	41,638,100
Minnesota	3,919,100	5,534,200	11,168,600	18,681,000
Mississippi	3,350,200	4,380,800	7,975,600	12,768,900
Missouri	4,760,400	6,804,100	13,933,700	23,439,700
Montana	1,535,700	1,854,900	2,968,500	4,453,300
Nebraska	2,115,500	2,783,200	5,112,400	8,218,000
Nevada	959,600	1,094,500	1,565,300	2,192,800
New Hampshire	1,409,300	1,696,500	2,698,100	4,033,700
New Jersey	6,176,800	9,4074,100	19,059,900	32,410,300
New Mexico	2,058,000	2,508,000	4,077,600	6,170,400
New York	15,832,500	23,772,500	51,470,200	88,400,700
North Carolina	5,050,800	7,206,300	14,725,900	24,751,900
North Dakota	1,583,900	1,883,100	2,926,700	4,318,300
Ohio	9,555,500	14,147,900	30,167,500	51,527,100
Oklahoma	3,086,900	4,188,400	8,031,200	13,154,700
Oregon	2,429,000	3,265,800	6,184,800	10,076,800
Pennsylvania	11,029,600	16,385,000	35,066,600	59,975,400
Rhode Island	1,568,500	1,975,100	3,393,500	5,284,700
South Carolina	3,342,700	4,470,000	8,402,400	13,645,600
South Dakota	1,777,400	2,099,400	3,222,600	4,720,200
Tennessee	4,314,600	6,002,300	11,889,500	19,739,100
Texas	9,592,800	14,125,200	29,935,800	51,016,600
Utah	1,780,700	2,202,100	3,672,100	5,632,100
Vermont	1,282,200	1,466,600	2,110,200	2,968,200
Virginia	4,510,200	6,387,100	12,934,300	21,663,900
Washington	3,327,200	4,677,100	9,386,300	15,665,000
West Virginia	2,796,100	3,676,300	6,746,700	10,840,700
Wisconsin	4,388,100	6,257,700	12,779,700	21,475,700
Wyoming	1,172,700	1,328,900	1,873,700	2,600,100
Guam	1,445,500	1,477,200	1,588,000	1,735,500
Puerto Rico	3,504,900	4,616,500	8,494,200	13,664,700
Virgin Islands	1,414,000	1,429,200	1,482,400	1,553,100

ARE THE CITIES TRAPPED IN THE WATER POLLUTION CONTROL FUNDING GAP?

(By Raymond L. Brancroft)

(The Gulf Between Congressional Authorizations and Appropriations Grows Wider Each Year as Cities Struggle to Meet Tougher Standards.)

Hopes were high back in 1966 when the Congress approved the Clean Waters Restoration Act. NATION'S CITIES called it "one of the 89th Congress' most sweeping accomplishments."

And indeed it was. The act called for a steady and steep rise in federal assistance for sewage treatment facility construction—from $150 million in fiscal 1967 to $450 million in 1968, $700 million in 1969, $1 billion in 1970, and $1.25 billion in 1971. Financially hard-pressed cities and counties were enthusiastic about the prospects of really being able—with increased federal help—to meet the water quality standards then being drafted by state water agencies under the Water Quality Act of 1965.

While the lofty money authorization levels set in the 1966 act remain intact, however, the appropriations to match them have not been made by Congress. In fact, as the table on page 8 shows, the appropriations from

fiscal year 1967 through 1970 (including $214 million asked for '70) totals $781 million, only a third of $2.3 *billion* authorized. Construction grant officials in the Federal Water Pollution Control Administration said in July that applications for non-existent funds continue to pile up. A total of 4,648 applications for construction grants are now languishing in FWPCA regional offices or in state water pollution bureaus.

The result of the lag in federal funds for wastewater construction projects naturally has "put the burden back on the localities" to pay for needed projects, says Robert Canham, acting executive secretary of the Water Pollution Control Federation, a national association representing both industry and government.

1968 MUNICIPAL WASTE INVENTORY[1]

Size of place 1960 census	Primary treatment			Secondary treatment			No treatment	
	Total plants	Communities identifiable	Population served	Total plants	Communities identifiable	Population served	Communities	Population served
Unknown	112	65	6,284,805	643	302	8,049,603	15	271,725
Under 500	261	239	587,361	1,231	1,117	1,820,942	252	79,640
500 to 1,000	355	338	249,101	1,422	1,334	1,322,214	333	228,444
1,000 to 2,500	623	550	980,302	2,160	1,945	3,422,129	491	685,556
2,500 to 5,000	368	318	1,110,813	1,329	1,103	4,325,341	215	704,898
5,000 to 10,000	279	239	2,532,269	961	781	5,763,512	143	1,649,878
10,000 to 25,000	242	211	3,453,900	771	519	8,875,655	82	1,354,855
25,000 to 50,000	106	83	3,063,100	258	166	6,588,635	25	839,075
50,000 to 100,000	48	41	3,374,220	158	74	6,192,422	14	1,071,710
100,000 to 250,000	35	18	3,419,215	97	39	6,604,168	8	1,224,070
250,000 to 500,000	17	9	3,307,525	76	10	4,200,285	2	858,905
Over 500,000	22	6	15,372,410	77	9	18,620,880	2	2,305,900
Totals	2,468	2,117	43,735,021	9,183	7,399	75,785,786	1,582	11,274,656

[1] Includes 1962 rather than 1968 conditions for the States of New York, New Jersey, Pennsylvania, Iowa, and Arkansas.

Source: "The Cost of Clean Water and Its Economic Impact," vol. 1, 1969 (preliminary data). Federal Water Pollution Control Administration.

"This whole situation has tended to lead to a lack of confidence by local and state officials in what federal aid levels will be," Canham adds. "The states are recognizing the problem where it counts . . . through their taxpayers with the expectation of federal assistance later."

The fact that municipalities and states are taking up the slack in waste treatment facility building left by inadequate federal assistance is borne out in a new WPCF publication, *Water Pollution Control Facts*.

"The influence of the federal grants program for the construction of wastewater treatment facilities, even at its $214-million per year level, assures the proper encouragement of construction by municipalities," the report states. "Witness the 1968 increase over 1967; it showed a 20 per cent increase for a total of $1.35 billion, despite the fact that the level of federal grants funds did not increase. Fiscal 1970 continues at the $214 million level, the same as fiscal 1969. At least this will keep up the momentum."

Canham, however, wonders what will happen to the fight against water pollution when the 1966 act's current authorization expires in fiscal 1971, particularly if increased federal appropriations aren't forthcoming.

"The whole effort is bound to suffer," he says.

In advocating that Congress appropriate the full $1 billion authorized for fiscal 1970 construction grants, the National League of Cities has pointed out the bind in which many cities will find themselves if they cannot get federal assistance.

"Local improvements must be made since the act provides for enforcement through the courts," said NLC President C. Beverly Briley, Mayor of Nashville, in a letter to President Nixon urging his support of the full appropriation.

"Local units will be compelled to proceed with major improvements and expenditures whether or not the federal government meets its obligations. The sad product will be that cities will be forced to clean up the waterways but will do so at the expense of improving housing, education, and other critical local needs which draw upon the same resource base."

Already communities in Pennsylvania, Missouri, Florida, California, and New Jersey have faced state-imposed restrictions on future residential and commercial construction because of water pollution problems.

But many observers, including the NLC, feel it is unfair for cities to be forced to comply with water quality standards while many are not able to financially meet them because Congress has failed to appropriate funds already authorized.

Mayor Briley urged the Administration to either support efforts to get full appropriations or, if this is not possible, to modify the schedule of compliance to permit cities a longer period of time in which to meet water quality standards.

The primary reason for lack of adequate federal financing of the 1966 Clean Waters Restoration Act is the same given for other domestic program appropriation lags: the Vietnam War. Under prodding from the budget cutters, the Administration has sent Congress an alternative plan for financing waste treatment plant construction. Under the plan, the Secretary of the Interior could enter into contracts up to 30 years in length with a local or state government to pay the federal share of the costs of treatment plants. This means larger bond issues would have to be floated and the locality or state would have to pick up the interest on the federal share. Federal payments to the state or local government would be made up to 30 years to cover that U.S. share. The National League of Cities and other groups representing local governments are opposed to the plan. "We think it stinks," said one NLC staffer.

As Joe G. Moore, Jr., the former commissioner of the Federal Water Pollution Control Administration, expressed it at a conference earlier this year:

"Congress . . . will again this year wrestle with the problem of how to provide additional funds for the construction of waste treatment facilities without appropriating money."

David D. Dominick, Moore's successor, expresses disappointment at the length of time it took to get the alternate financing proposal to Congress. But, he adds, "we must make the best of a tight budget situation because right now we are lagging in the fight for clean water."

Dominick's FWPCA is caught in the middle of the financing dilemma. It pushed hard for an appropriation of $600 million for construction grants in the proposed 1970 budget but the Bureau of the Budget chopped that request to $214 million, the same as that appropriated in 1969.

"It is most important that we make every effort in Washington to keep faith with the states that have already begun construction on their own," Dominick says. "We must keep faith with the municipalities which need additional financial assistance in order to meet the water quality standards to which they have agreed."

FWPCA officials in the field also feel the pinch of congressional promises in the light of funding realities. Richard A. Vanderhoof, director of FWPCA's Ohio Basin Region, notes the "clearly incompatible" nature of water quality standards and the funds available to meet them.

"We're making progress in water pollution control if everyone would stand still," Vanderhoof says. "But we must run faster. The combination of industrial growth and municipal growth almost puts us in a position of status quo, particularly with the level of funds we have available."

Although it is generally agreed that there is a whopping backlog of unmet sewage treatment needs in the U.S. (a 1967 FWPCA estimate put the total at $8 billion to provide secondary treatment for most of the urban population), the 1969 edition of FWPCA's *The Cost of Clean Water and Its Economic Impact* comes up with a much smaller backlog estimate of less than $2 billion.

"Only a fault in basic assumptions or a significant change in circumstances can account for the variation found to exist between various estimates of the cost of water pollution and control," the agency report says.

"It may be argued," the report continues, "that the concept underlying almost every cost estimate that has been made—that is, the idea of a fixed backlog—is no longer a valid assumption in light of the current status of waste treatment as reflected in the 1968 Municipal Waste Inventory.

"Water pollution is a process as well as a condition. It is dynamic in its occurrence; fluctuating in its circumstances. So water pollution control must be flexible in its approaches; and time forms an essential element in estimates of its cost.

"This document [the report], then, views the municipal costs of water pollution control within a context of dynamism. It gropes with the question of determining an *appropriate rate of investment* rather than establishing a final cost of water pollution control. In substituting the dynamic view for the static one, it recognizes the disagreeable fact that pollution control will continue to require expenditures, that pollution cannot be ended by spending any single sum. It loses something in apparent precision. It is felt, however, that the view compensates for any lack of definition by bringing us closer to a manageable statement of real conditions.

"The changed way of looking at things imposes a broader view and forces recognition of problems in relating federal programs to events in such a way that the programs will not be out of date or mis-scaled by the time they are initiated. While all the ramifications of the approach are not understood, analyses now being undertaken can be expected to yield some insights over the coming year. These may be useful in recasting legislation after the expiration of current authorization in fiscal year 1971."

The FWPCA report also points out that new treatment plant investments are fairly close to the estimated need for construction and that rates of investment for interceptors and outfalls are very close to the level of indicated requirement. "But sewer, replacement, and expansion shortcomings seem to be developing," it adds. "Since 1963 the construction of new waste treatment plants has been declining relative to the other major

categories of investment that qualify for FWPCA construction grants—replacements, additions, and installation of interceptor sewers."

But the FWPCA notes that the decline in new treatment projects should not be a surprise. An "enormous number" of new plants—more than 7,500—have been built between 1952 and 1967 and the great majority of the population with sewers now receives some sort of waste treatment.

Since only four cities over 250,000 population (Honolulu, New Orleans, Memphis, and parts of New York City) remain available for *initial* waste treatment investments, the coming investment in new plants is concentrated in small towns. The FWPCA report says communities under 10,000 population now account for almost half of the dollar value of investment for new waste treatment plants, up from slightly more than a third during the 1952–55 period.

Estimates from the states in their program plans indicate that municipal waste handling investments over the 1969 through 1973 period will amount to about $6 billion, roughly equal to that spent over the past five years, the FWPCA report says. It is very likely that spending for upgrading, expansion, and replacement needs in 1969 will exceed the outlays for new plant investments. "There seem to be great expansion and replacement needs in cities of all sizes," the report notes.

Adding to this trend will be the need for advanced waste treatment to meet the stricter state water quality control standards. Tertiary or advanced waste treatment is a state goal for many Indiana communities by 1977, is contemplated for some Ohio towns, is being phased into the Chicago system, and is planned for part of Long Island. Construction costs zoom upward for advanced treatment facilities.

The need for advanced treatment, the increased emphasis on upgrading operational efficiency, and the need to raise operator wages will increase operating and maintenance costs of municipal waste treatment plants "very sharply in the immediate future," the FWPCA report notes. Already these operating and maintenance costs total $150 million to $200 million a year, a doubling in the last decade.

In summarizing its findings, the FWPCA concludes:

"It would appear, then, that there may be a substantial gap opening between the amount the nation expects to spend—as measured by state program plans and by the level of federal construction grant appropriations—and the amount that will be required to complete the connection of all sewered places to waste treatment plants and to expand, replace, and upgrade treatment where it now exists.

"The fact that the states as a group anticipate programs that will involve a level of spending very close to that of the last six years is a cause for major concern, despite the major accomplishments of the last six years.

"The findings of this report show that investment requirements imposed by new plant construction, expansion, replacement and upgrading of plants, accelerating acceptance of industrial wastes in the municipal plant, increasing levels of waste reduction being required, and the fact that a very significant portion of needed new investment occurs in precisely those places where cost experience in the past has been highest, will all result in pressing capital requirements upward significantly for many years."

ST. JOSEPH, MO., FACES ITS FINANCIAL BIND

As an example of one city's efforts to meet its water pollution control responsibilities, here are excerpts from the testimony of Mayor Douglas A. Merrifield of St. Joseph, Mo. (pop. 80,000), before the Public Works Subcommittee of the Senate Appropriations Committee June 9. He was speaking on behalf of the National League of Cities and U.S. Conference of Mayors in support of full funding for fiscal 1970 of the $1 billion authorized for waste treatment project assistance.

"In the past few years, St. Joseph has placed in operation or put under construction nearly $7 million worth of water and sewer improvements. I am proud of this record, and believe it exemplary of the efforts of municipalities around the nation. The city is currently pushing ahead on another $2,512,000 of construction. For this program we have been advised that a grant of $1,290,000 is approved as a reimbursable grant if waste treatment funds are appropriated. In good faith, the city is underwriting this new construction and advising our citizens that the federal government, in due time, will reimburse us for a portion of the improvement costs. St. Joseph has planned another ambitious project, costing about $3 million, to complete its primary treatment program. However, it will be very difficult for us to finance this project unless increased federal aid to provide the 50 per cent matching share is assured. . . .

"Municipal bond intreest rates are now at an all time high. In 1961 St. Joseph issued local sewer bonds at a 2.98 per cent interest rate. Today municipal water and sewer bonds are marketed at rates of 5 to 6 per cent and more. This means that debt service charges for long term financing projects such as waste treatment facilities will often exceed principal payments over the life of the bond. Despite record high interest rates, municipal bonds are becoming more difficult to sell. Large commercial banks, the traditional purchasers of municipal bonds, cut their net holdings of municipal bonds by nearly $1 billion in the first quarter of 1969 although a record number of municipal bond issues were presented for sale. . . .

"For clean water programs of the future, even greater levels of financing will be needed. But demands for more local action are simply not realistic unless federal support is increased. In St. Joseph we are told that programs of secondary sewage treatment must be operational by 1972. I do not believe we can construct the $4 million facility required before 1974, and even that will be impossible unless federal aid is available for the full 50 per cent share.

"In the distant future, the Interior Department is calling for separation of storm and sanitary sewers. Such a program could cost St. Joseph another $13 to $15 million and is estimated to cost between $15 billion and $30 billion nationally. My citizens will never vote bonds for this unless there is assurance of massive federal and state grants to back the local effort."

THE STATE OF NEW HAMPSHIRE
WATER SUPPLY AND POLLUTION CONTROL COMMISSION,
Concord, September 30, 1969.

Hon. JOSEPH D. TYDINGS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TYDINGS: Quite recently there appeared in a National Wildlife Federation memorandum a reference to an amendment which you are drafting to the Water Quality Improvement Act. According to the brief statement, special consideration would be given to the "seven States" which have prefinanced at least a portion of the Federal share.

Although we realize it is impossible to be acquainted with legislative action in all fifty states, the Commission is most anxious to have it made a matter of record that the New Hampshire General Court passed a bill in the 1967 session which would prefinance the 50% Federal share.

As indicated in paragraph 376:1 of the enclosed Act, this State will prefinance "a maximum grant of ninety percent of the original costs involved in the construction of needed sewerage and/or sewage or waste treatment facilities". To finance this work over the next two years, New Hampshire's Legislature authorized bonding in the amount of one million. four hundred and ninety-nine thousand dollars. State payments on all prefinanced projects will be made over the life of the municipality's bond issue.

We would like to conclude by pointing out that the prefinancing of pollution abatement facilities has also been assumed by several New Hampshire municipalities. These communities have bonded for the entire cost of treatment works, or about 11½ million dollars up to the present time, with the hope that they will be reimbursed the 50% Federal share at a later date.

Respectfully yours,

C. W. METCALF,
Director, Municipal Services.

H.B. 162

An act to aid municipalities for water pollution control by state contribution for costs prior to receipt of federal funds

Be it Enacted by the Senate and House of Representatives in General Court convened:

376:1 Prefinancing of Federal Grant. When, for lack of adequate federal funds at the time of acquisition and construction of sewage and/or waste disposal facilities by any municipality, hereby defined as county, city, town or village district, the state of New Hampshire, in addition to contributions provided for under RSA 149–B, shall pay not in excess of fifty percent of the yearly amortization charges on the original costs resulting from the acquisition and construction of sewage and/or waste disposal facilities by it. The word "construction" and the term "original costs" shall have the same meaning for the purposes of this section as they have for the purposes of RSA 149–B. The purpose of the additional payment as established herein is to provide each municipality, in the absence of federal funds, with a maximum grant of ninety percent of the original costs involved in the construction of needed sewerage and/or sewage or waste treatment facilities.

376:2 Prefinancing of Secondary Treatment. The state of New Hampshire, in addition to contributions provided for under RSA 149–B, shall pay an additional fifty percent of the yearly amortization charges on the original costs resulting from the acquisition and construction of secondary treatment facilities in the cities of Concord, Lebanon, Manchester, and Nashua, and the town of Plymouth. The word "construction" and the term "original costs" shall have the same meaning for the purposes of this section as they have under the provisions of RSA 149–B. The purpose of the additional payment as established herein is to provide the cities of Concord, Lebanon, Manchester, and Nashua, and the town of Plymouth, in the absence of federal funds, a grant of ninety percent of the original costs involved in the construction of secondary treatment facilities.

376:3 Appropriation. There is hereby appropriated for the purposes of carrying out the provisions of section 1 of this act and to furnish aid provided for in RSA 149–B, for any municipality which shall acquire or construct sewage and/or waste disposal facilities, as authorized hereunder, the sum of seven hundred fifty-nine thousand dollars for the fiscal year ending June 30, 1970, and the sum of seven hundred forty thousand dollars for the fiscal year ending June 30, 1971. The sums hereby appropriated shall be administered by the water supply and pollution control commission and shall not lapse but shall be added to the appropriation of the commission for any succeeding fiscal year to be used for the purposes herein contained.

376:4 Bond Issue. For the purpose of providing funds for the appropriations made in

section 3 hereof the state treasurer is hereby authorized, under the direction of the governor and council to borrow upon the credit of the state not exceeding the sum of one million, four hundred and ninety-nine thousand dollars, and to issue bonds and notes in the name and on behalf of the state of New Hampshire. Said bonds and notes shall be issued under terms, and conditions as provided by RSA 6–A, as inserted by 1967, 88:1.

376:5 Effective Date. This act shall take effect July 1, 1969.

Approved July 2, 1969.

THE IZAAK WALTON LEAGUE OF AMERICA, INC.

Washington, D.C., September 30, 1969.

Hon. JOSEPH D. TYDINGS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TYDINGS: We have studied with keen interest your proposed amendment No. 178 to S. 7 to amend the Federal Water Pollution Control Act; also your remarks which provide the background and rationale for the amendment. We agree that the Federal Government has a moral obligation to reimburse the 7 states (and some municipalities) which prefinanced the Federal share of construction costs for water quality treatment plants—costs totalling about $300 million. It would be unfair should the Federal Government default on this debt, and thus penalize states which have moved ahead aggressively to fulfill their responsibilities for clean water.

The problem which your amendment would resolve, as far as the 7 states are concerned, is part of the larger problem which affects all 50 states: the failure of Congress to meet the commitment made in the Clean Water Restoration Act of 1966. As you point out, the 1966 Act authorized $150 million for FY 1966, $150 million for FY 1967, $450 million for FY 1968 and $700 million for FY 1969. Appropriations through FY 1969 have totalled $731 million, about half the $1,450 million authorized for that period and upon which sum the 50 states had every reason to base their planning.

Failures to match appropriations with authorizations has seriously hurt the clean water program, slowed the momentum built up over the past two decades and shaken the faith of the public in the Federal commitment to clean water. This larger inequity affects all 50 states, including the 7 which prefinanced the Federal share, and it will be compounded, if Congress fails to appropriate the full billion dollars for FY 1970 as authorized.

It must be noted that an appropriation of $600 million for FY 1970, which you consider to be likely, would be inadequate. Earmarking the 2nd, 3rd and 4th $100 millions to reimburse the 7 states would leave a balance of $300 million for allocation among the 50 states, only $86 million above the budget request figure of $214 million. This is not enough to get the state programs back in high gear or make much of a dent in the 2¼ billion backlog of project applications.

In our judgment the direct way to resolve the problem and eliminate inequities is for Congress to appropriate the full 1 billion dollars for FY 1970 and the full $1,250 million as authorized for FY 1971 and, before the 91st Congress adjourns, extend the program authorizations beyond the end of FY 1971. It would be logical at that time to make such changes in the allocation formulae as are desirable.

Such actions will enable the states to catch up with existing backlogs, permit reimbursement to the seven states and restore the faith and confidence needed at all levels to push on aggressively toward the clean water goal.

Sincerely,

J. W. PENFOLD,
Conservation Director.

P.S.—The attached paper developed by the National League of Cities dramatically points to the fact that the appropriation—direct grant method produces the greatest return on the dollar invested in sewage treatment facilities.

EXHIBIT 1.—ALLOCATIONS OF REIMBURSEMENT FUNDS UNDER PROPOSED TYDINGS' AMENDMENT

States	States funds advanced	Percentage of total prefinancing	Possible appropriations		
			$300,000,000	$200,000,000	$100,000,000
Connecticut	$60,900,000	20.79	$62,370,000	$41,580,000	$20,790,000
New York	150,315,000	51.31	153,930,000	102,620,000	51,310,000
Maine	3,500,000	1.19	3,570,000	2,380,000	1,190,000
Massachusetts	8,500,000	2.90	8,700,000	5,800,000	2,900,000
Vermont	677,000	.23	690,000	460,000	230,000
Pennsylvania	16,095,000	5.50	16,500,000	11,000,000	5,500,000
Maryland	52,957,000	18.08	54,240,000	36,160,000	18,080,000
Total prefinancing	292,944,000				

Mr. SPONG. Mr. President, I suggest the absence of a quorum.

Mr. JAVITS. Mr. President, will the Senator from Virginia kindly withhold his request. I understand that the Senator from Kansas (Mr. DOLE) wishes to speak generally to the bill, and then I will try to get into colloquy on the amendment.

Mr. SPONG. I am glad to withhold my request, and to yield to the Senator from Kansas, but I believe the Senator in charge of the bill has the floor.

Mr. TYDINGS. Mr. President, I ask unanimous consent that I may yield to the Senator from Kansas without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered, and the Senator from Kansas is recognized.

Mr. DOLE. Mr. President, I rise in support of S. 7, the Water Quality Improvement Act of 1969. For the past 9 months, the Subcommittee on Air and Water Pollution of the Senate Public Works Committee has worked industriously to draft appropriate legislation to prevent and control water pollution. Of course, the Santa Barbara incident had a dramatic effect on our deliberations. After that unfortunate incident, it became apparent there would have to be legislative action. This fact is made even more apparent as we read of the increasing size of oil tankers and the potential threat of pollution.

Throughout our subcommittee hearings, there was a wide diversity of views presented on S. 7. All sides were heard and after all the testimony and all our deliberations a bill was offered that will, in my opinion, protect the public interest and at the same time not inhibit the operation of the oil and maritime industries.

Mr. President, I wish to address myself to a specific section of the bill which is of particular interest to me. Each year more and more substances of great toxicity are transported by rail, pipeline, truck, and boat in greater and greater quantities. This, of course, increases the likelihood that substances will be accidentally discharged. The people of this Nation expect the Government to be prepared in advance to respond to such discharges.

During the course of its consideration of the provisions of S. 7, the committee became aware that hazardous substances simply could not be treated as an equivalent of oil and subject to the same provisions of liability for the cost of removal. Two important differences require that hazardous substances be treated separately: First, oil is a readily recognizable substance that is not miscible with water; hazardous substances, on the other hand, cover a tremendous range of chemical elements and compounds with various characteristics, and, second, oil is at least in most circumstances removable from water; hazardous substances, on the other hand may or may not be. Faced with this difficult situation, I offered an amendment to segregate hazardous substances out of the oil liability provisions for separate treatment to enable a response to the clear problem of the sudden discharge of hazardous substances into our navigable waterways.

The amendment I proposed, which with certain modifications has been adopted by the committee, provides essential authority to give this Nation the ability to respond. First, section 13 of the bill, S. 7, provides authority and establishes a procedure by which the President shall designate hazardous substances. The test established by this provision is whether the substance, when suddenly discharged into the waters of the United States in any quantity presents a threat to public health and welfare. It is necessary to avoid the use of a subjective test such as "substantial quantities" because the threat to health and welfare depends on many factors such as the characteristics of the water into which the substances are discharged; the concentrations of the substances discharged; and the nature of the substance discharged. The bill therefore provides that the President shall conduct an intensive study of each substance proposed to be designated as hazardous including provision for a detailed procedure involving public participation and recourse to the courts to protect everyone's interest in the designation of a substance as hazardous for the purpose of this act.

The bill further provides that the President shall, along with designating hazardous substances, promulgate regulations, where applicable, for methods and means of removal of said substances. It is necessary that substantial expertise be brought to bear on the technological problems involved in cleanup and only the Federal Government can respond to this demand.

Once a substance has been designated as hazardous pursuant to section 13, the bill provides that for any discharge of such substance from either a vessel or an offshore facility any person in control of such facility must immediately notify the United States of such discharge. This provision is patterned after the notification requirement under the oil pollution provisions and is absolutely essential if we are to avoid damage to downstream water users that may result from the discharge of hazardous substances. It is also essential if remedial measures are to be applied in time.

Because information is simply lacking on what form of liability could be imposed upon a discharger of a hazardous substance, it is necessary to authorize the President to recommend to the Congress, after a detailed study, methods and means of assessing liability against those who discharge hazardous substances. Consequently, section 13(n) of the bill provides that the President submit a report to the Congress on the need for and desirability of legislation imposing liability for the cost of removal of hazardous substances. After this study is made, it is expected that the Congress will be in a position to legislate in this area.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the Commissioner of the Federal Water Pollution Control Administration in response to information I requested on the problem of legislating to control the discharge of hazardous substances. This letter includes a tabulation of spills of materials other than oil since June 1, 1967 to March 1, 1969. I think the Commissioner's letter clearly establishes the need for legislation dealing with hazardous substances.

There being no objection, the letter and table were ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
FEDERAL WATER POLLUTION CONTROL ADMINISTRATION,
Washington, D.C., July 10, 1969.

Hon. ROBERT DOLE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOLE: You requested information on the need for regulatory, rather than study, authority in S. 7 to control hazardous substances which when discharged into waterways have adverse effect as serious or more serious than oil on the health and welfare, including fish and wildlife.

The joint Interior-Transportation report of February 1968, which was devoted to the oil pollution problem also recommended "Legislation should be developed making persons who discharge or deposit hazardous substances other than oil into the navigable waters of the United States responsible for removing these substances. The legislation should empower the Secretary of the Interior to act when such persons fail to act and to recover the costs. Such legislation would parallel the cleanup provisions of the Oil Pollution Act of 1924."

At that time, however, the public attention was aimed primarily at the oil problem as depicted by the Torrey Canyon. We had not developed sufficient information on the need for such control measures for other hazardous substances. Subsequently, in October of last year FWPCA's the North Atlantic Water Quality Management Center in New Jersey published a manual on emergency procedures to control hazardous substances in the water environment (copy enclosed).

In addition, a number of spills of hazardous substances other than oil have begun to catch the public's eye and concern. A list of some of these spills is enclosed. The most dramatic of these occurred only a few days ago. This was the massive fish kill in the lower Rhine River in Germany which has now been traced to an insecticide, endosulfan, used on vegetables, trees and other crops. It has been reported that fish placed in the affected water died within seven minutes. (A report on this spill is enclosed.) We note this spill only as an example because if it had occurred in this country, we may not have been able to do much to cleanup the spill even with authority to do so. However, the polluter would have been required to report the spill and downstream users would have had early warning in order to shut down water supply systems and take other measures to protect public health.

1. BASED ON EXPERIENCE, IS CONTROL AUTHORITY NEEDED?

We believe that there is a need for authority to control these spills when they occur with the best means available to us. The Indiana chemical spill of January 1968 which caused a fish kill of 65 miles in Buck Creek serves to emphasize the point. A complete report of the incident is enclosed.

The most recent spill of hazardous material occurred on July 9, 1969, when the acid leaching material, about 450,000 gallons, was released into the San Francisco River where 51,000 dead fish have been counted so far in the first four miles of the River. Additional information on this spill is enclosed.

It should be noted that in 1968, the largest fish kill reported occurred on the Allegheny River, Bruin, Pennsylvania where 4,029,000 fish died. A petroleum refinery lagoon overflowed releasing chemicals into the stream. Suds six feet high were created as the mixture flowed along the stream.

Phosphate mining operations were responsible for the second greatest fish kill in 1967. A settling basin dam broke moving a mass of phosphate slime into the Peach River, suffocating nearly one million fish along 76 miles of the River.

2. DEFINITION OF HAZARDOUS SUBSTANCES

At present, it is very difficult to develop a definition, except in the very broadest of terms, which leaves it open to attack for vagueness and which requires the exercise of judgment by someone on a case-by-case basis, that would cover presently known and future hazardous substances. Thus, we believe that the best approach to this problem is to establish and publish procedures for identifying particular hazardous substances and for developing methods of control which could be applied by the discharger and Federal and State pollution control agencies. Once finally published they would be enforced in the same manner as oil discharges. This is the approach followed in the drafting service furnished for you to Mr. Jorling of the Committee staff.

The reasons for adopting this approach, rather than defining the term, are based on the fact that if discharged in water numerous factors may be responsible for the concentrations to be found in the critical zone and the degree of associated water pollution hazards. The more important factors include:

1. Quantity and type of material spilled.
2. Distance of spill from the use area.
3. Available dilution.
4. Type and nature of the water body.
5. Flow rate and tidal patterns.
6. Temperature.
7. Biodegradability and other properties of spilled material.
8. Effect of the material or reaction compounds on the water use.

The toxicity of a material may be immediately lethal or accumulative. There may also be synergism or antagonism with substances already in the water or a reaction with chemicals added during treatment. The toxic level for humans is ordinarily estimated from results of animal experimentation and normally expressed as LD_{50}, the single dose which will kill one-half of the animals in the test group. Chronic toxicity generally is not a problem with spills since the material will not remain in the vicinity sufficiently long. The toxicological effect of materials on aquatic life may be direct, or indirect by precipitating changes in the environment, and is normally expressed as TLm, the concentration at which 50% of the aquatic animals can survive. In cases where protection against chronic toxicity is necessary, safety factors of 20 or more are applied to the TLm values.

Substances in water may produce odors directly or by reactions with other materials through oxidation, reduction, etc. The products of these reactions may be more or less odorous than the original substance. The threshold odors of pure compounds may also be modified by synergistic or antagonistic effects. Taste-producing substances in water can be absorbed by the flesh of fish, making them inedible or at least unpleasantly flavored.

The effect of acid and alkali spills will be strongly influenced by the nature of the substance, degree of ionization, natural alkalinity, dilution available in the water body, and particular construction materials comprising pipes, equipment and appurtenances coming in contact with the substance. Acids and alkalis may be toxic to the acquatic environment, harm crops, cause corrosion, impart taste to drinking water or irritate the skin of those using the water for recreational purposes.

3. ARE CONTROL TECHNIQUES AVAILABLE?

Full information is not presently known on effective treatment of all toxic substances, but we do have some knowledge on this problem as explained below.

Pollution control measures are intended as possible alternatives to denying a use until natural conditions dissipate the spilled material from the use area. Control measures would normally be applied when the concentration is low enough to permit effective and practical neutralization, removal or destruction of the pollutant. However, when the spill occurs relatively close to the use and the material is highly resistant to degradation or cannot be rapidly dispersed, the use may be denied until treatment measures can feasibly be employed.

Since the present procedures are only a guide, some judgment must be made in each case to assure the safest course of action. For example, it should be noted that many of the procedures for organic compounds are based on taste and odor controls because these threshold ranges apparently provide a large margin of safety compared to the toxic levels. However, toxic levels are generally derived from tests conducted with rats and other animals. As to taste and odor thresholds, there can be substantial variation among individuals tested, conditions of the test, and effects of other compounds

present in the water. Thus, taste and odor measurements must be conducted simultaneously with analytical measurement. If taste or odor are not detected but the concentration is above the maximum of the threshold range reported, the water use should be shut down and reopened only after careful consideration of the actual concentration and toxicological data. In order to estimate a safe limit of concentration for compounds in water supplies where no such limit was previously established, safety factors of 100 to 1000 were applied to the LD50 values. In certain cases, the water pollution control agency may decide to establish a concentration limit lower than the taste and odor thresholds shown herein.

Carbon treatment is the primary procedure recommended for removal of organic contaminants. Effectiveness of adsorption depends on the size and structure of the organic molecule and other factors. However, it appears that 12 to 24 inches of fresh activated carbon placed on top of the sand filter beds would be the most satisfactory treatment method for the organic materials given in the following sheets. Exhausted carbon is removed by backwashing the filter and collecting the material in a screen container. An alternate method is to slurry powdered carbon in water and to effect removal in the settling basins. Organic pollutants may also be removed by oxidation with chlorine or other oxidizing agents. Although breakthrough chlorination may be appropriate with some of the organics, carbon adsorption appears more generally applicable, dependable and practical.

In summary, while the state of the knowledge in this area is far from perfect, we believe that enough is known to institute a control program with the procedures mentioned above. Most importantly, such a program must include requirements for notification of discharges of any substance so that action can be taken to prevent adverse effects. Early warning, even if we do not have adequate cleanup techniques in all cases, will significantly help to protect public health and avoid damage to water use facilities and in some cases protect the fish and wildlife environment.

If we may respond further, or additional information is required, please do not hesitate to let us know.

DAVID D. DOMINICK,
Commissioner.

SPILLS OF MATERIALS OTHER THAN OIL, JUNE 1, 1967, TO MAR. 1, 1969

Location	Material	Quantity/source	Damages	Waters affected	Company responsible	Remarks
Carbo, Va	Alkaline fly ash slurry	400 acre-feet; dike failure	216,000 fish killed. Seriously damaged 102 miles of stream.	Clinch River, Va. and Tenn.	Appalachian Power Co	Study of methods for handling fly ash waste initiated.
Dunreith, Ind	Acetone cyanohydrin	1,200 gals. (2,800) lb. cyanide from railroad tank car.	Fish killed. Cattle died after drinking water.	Buck Creek, a tributary of the Big Blue River.	Pennsylvania RR. and Norfolk & Western RR.	Cyanide liberated when chemical got into alkaline waters. H. & H. added to stream water neutralize cyanide. Penn Central RR. reimbursed State for chemical costs. Residents of town evacuated.
Chambersburg, Pa	Ethyl benzene	1,000 gals. from railroad tank car (railroad accident).	None reported	Conococheaque Creek, tributary of Potomac.		Material flowed over ice and evaporated.
Lampson, Ala	Cyanide compound and muriatic acid.	Unknown quantity; 2 railroad cars	Residents of town evacuated. No report of damage to water resource.	Goose Creek	Southern Railroad	Little, if any, cyanide escaped. Small quantity of muriatic acid escaped, but was contained by dike.
Morgan City, La	Xylene	500 bbls.; ruptured barge	None reported	Atchafalaya River		Area cordoned due to fire hazard. Spilled material evaporated.
Detroit, Mich	Suspected chemical waste and coal dust.	Unknown quantity; effluent from storm sewer.	Do	Detroit River	Unknown	Slick dissipated overnight.
Belle, W. Va	Methyl acrylate	1000, gals.; industrial plant	Fish killed, water intakes closed down.	Kanawha River, Winfield.	E. J. Dupont Chemical Co.	Riverflow diluted concentration.
Cheektowga, N.Y	Styrene	10,000 gals.; railroad tank car ruptured.	None reported	Buffalo River	Union Carbide Co./Penn Central RR.	Material flowed from railroad yard into sewer system draining to river.
Freeport, Tex	Caustic soda	400 tons from barge	do		Dow Chemical Co	Company removed remaining cargo from damaged barge and collected samples of water in area of spill. Material apparently diluted because no increase in pH was noted.
Everett, Mass	Xylene	500 gals. from ruptured storage tank.	Potential fire hazard.	Island End River	Carpenter-Morton Paint Co.	Fire department flushed sewer due to fire hazard.
Bordentown, N.J	Ethylated fatty synthetic alcohol.	8,000 gals. discharged from plant	Unsightly accumulation along 2 miles of riverbank.	Delaware River	Stephan Chemical Co	Material contained by tide. Removed from water and shore by the company.
Westbrook, Maine	Chemical wastes	Unknown quantity from paper-mill.	None reported	Presumpscot River	S. D. Warren Co	Dissipated in less than 24 hours.
Livingston, Tex	Analine	Railroad tank car ruptured	No information on	Trinity River	Santa Fe RR	10 workmen employed by Santa Fe RR. to clean tracks were hospitalized by analine burns.

Mr. DOLE. Mr. President, it has been suggested that the provisions of section 13 of S. 7 are contradictory to the 1965 Water Quality Act in that they provide for the establishment of a Federal effluent standard. Such an interpretation represents a misunderstanding of the provisions of section 13 which like the oil provisions of section 12 are aimed at the sudden and unintended release of hazardous substances into the waters of the United States. These provisions are not directed at the normal release of effluents from a manufacturing or other process. This is clearly the intent of the committee and to interpret otherwise is to misinterpret what the committee desires to achieve.

Mr. President, I urge the Senate to approve this bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TYDINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TYDINGS. Mr. President, my amendment No. 178 is pending, and I would appreciate it if I could get the views of the distinguished chairman of the Subcommittee on Air and Water Pollution.

Mr. MUSKIE. Mr. President, may I say, in response to the distinguished Senator from Maryland, in commenting on his amendment, that I have a great deal of sympathy for it, especially since, as he knows, my own State would benefit from its application.

May I say, in addition, that when the amendments of 1966 were approved, I felt one of the most important provisions in those amendments was the reimbursement provision, to which the Senator's amendment is addressed.

But let me make the third point, that that provision was, nevertheless, geared to the total authorizations of that bill, which, as the Senator in his comments has pointed out, have never been fully funded, or even reasonably funded, I think, since that time.

For that reason, the problem that the Senator's amendment poses for us is whether or not, on the basis of current funding, or even anticipated funding, the Senator's amendment would be a fair allocation of the funds as between the authorization provisions of the public law and this reimbursement provision.

Frankly, I do not consider myself to be in a fair position to pass on that point, so I would like to suggest to the Senator two things: First, that we will hold hearings next year, as we had planned, on the whole question of funding the program; second, we are hopeful, from conversation we have had on this side and from discussions with Members of the House, that the waste treatment pro-

gram will be funded up to $600 million this fiscal year.

If it is, I think we will have a strong base in next year's hearings to adequately support the principle that the Senator is interested in. We will hold those hearings. We had planned to hold them, in any event. I think, if we can get the favorable action from the Appropriations Committees in both Houses that we expect, we will be in a good position to move next year on the reimbursement provision.

The distinguished Senator from New York is also interested in this problem, and it might be useful to engage in a colloquy at this point.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield to the Senator from New York.

Mr. JAVITS. As a Senator from a State which has half of the advance funding, and who has always expressed interest in such funds, naturally I would vote with the Senator from Maryland (Mr. TYDINGS) if it came to a vote.

We have faced this problem, and we realize that we had a pretty slippery hill to climb in trying to allocate an appropriate amount with respect to expenditures. So I proposed an amendment, which I have had printed, which sought to allow the Secretary of the Interior to apply to reimbursable payments at least the difference between what was appropriated for the States and what was actually spent by the States; that is, what was actually left over. For example, if $600 million had been appropriated and $100 million had not been actually spent, the net $100 million would go to reimburse States which had been engaged in advance funding, a total of 32 States actually involved.

I have conferred with the manager of the bill on this matter and with the Senator from Maryland (Mr. TYDINGS).

I hope very much the Senator from Maryland will consider this amendment I now propose as an interim effort intended to be of some help to the 32 States concerned, which include Maryland, my own State, and five other States to which the Senator from Maryland has referred. In addition—not in substitution for, but in addition—to provisions of existing law allowing the Secretary of the Interior to apply unobligated construction grant funds to projects approved under this act for which grants have not been made because of lack of funds, I am suggesting an alternative application of the funds; "or for the purpose of making reimbursements pursuant to the sixth and seventh sentences of this subsection, or both."

The sixth and seventh sentences provide for reallotment in the way I have described for money not actually expended, and now I am suggesting also giving accommodation to States where not only State funds but local funds may have been spent in lieu of Federal funds.

Really, it expands the options of the Secretary.

It may be that, subject to the study which the committee may make which may dictate a mandatory reallocation—which incidentally I think is very properly sought by the Senator from Maryland (Mr. TYDINGS)—this proposal would at least give the Secretary more latitude. Then we would hope, in making our presentation to the committee of the Senator from Maine (Mr. MUSKIE), that the committee would feel persuaded that we ought to have some provision along the lines of what the Senator from Maryland (Mr. TYDINGS) has suggested.

While I favor the amendment of the Senator from Maryland, in view of the position of the chairman of the committee; I doubt very much that it would get anywhere for either of us, so I would hope perhaps that the Senator from Maine (Mr. MUSKIE) could at least expand the options of the Secretary as an interim measure. I hope the Senator from Maryland would join me in such substitute and then that the committee would go ahead and study whether even more might be done for the States which engage in such extended forward operations.

Mr. TYDINGS. Mr. President, as the Senator mentioned, I conferred with him earlier. I think his amendment is a sound one. I would be happy to join with him in the substitution of his amendment for mine. I think one thing it does is put Congress clearly on record that, as funds become available, those States which provide an advanced funding under the Water Quality Standards Act of 1966 will be reimbursed.

Mr. JAVITS. Mr. President, if the Senator will yield for that purpose, I will submit, for the Senator from Maryland (Mr. TYDINGS) and myself, a substitute amendment.

The PRESIDING OFFICER. Does the Senator from Maryland wish to withdraw his amendment or modify his amendment?

Mr. JAVITS. Mr. President, I would suggest that he leave it. Let me offer my amendment. If it is adopted, at least he has not compromised his position.

Mr. TYDINGS. Mr. President, I will follow the suggestion of the Senator from New York.

The PRESIDING OFFICER. The substitute amendment offered by the Senator from New York and the Senator from Maryland will be stated.

The legislative clerk read the amendment, as follows:

On page 73, between lines 15 and 16, insert the following:

"SEC. 106. Section 8(c) of the Federal Water Pollution Control Act is amended in the fourth sentence by inserting after 'because of lack of funds' the following: 'or for the purpose of making reimbursements pursuant to the sixth and seventh sentences of this subsection, or both'."

On page 73, lines 16, 19, and 23, redesignate sections 106, 107, and 108 as sections 107, 108, and 109, respectively.

The PRESIDING OFFICER. The question is on agreeing to the substitute amendment.

Mr. MUSKIE. Mr. President, just a word to express my support of the amendment offered by the Senator from New York and the Senator from Maryland. Each of our States is involved in this problem, and I think it is a healthy thing to reemphasize that there has been, by this amendment, a restatement of the moral commitment which I think we have made. I am delighted to support the amendment at this time.

The PRESIDING OFFICER. The question is on agreeing to the Javits-Tydings substitute amendment for the original Tydings amendment.

The amendment was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. TYDINGS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed.

Mr. JAVITS. I thank my colleague.

Mr. TYDINGS. I thank the distinguished chairman of the committee.

The PRESIDING OFFICER. The question now recurs on the amendment of the Senator from Maryland as amended by the substitute amendment.

The amendment, as amended, was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. TYDINGS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House insisted upon its amendments to the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. RIVERS, Mr. PHILBIN, Mr. HÉBERT, Mr. PRICE of Illinois, Mr. FISHER, Mr. BENNETT, Mr. STRATTON, Mr. ARENDS, Mr. O'KONSKI, Mr. BRAY, Mr. BOB WILSON, and Mr. GUBSER were appointed managers on the part of the House at the conference.

The message also announced that the House had passed, without amendment, the followning bills of the Senate:

S. 265. An act for the relief of John (Giovanni) Denaro;

S. 330. An act for the relief of Dr. Konstantinos Nicholaos Babaliaros;

S. 620. An act for the relief of Richard Vigil; and

S. 1110. An act for the relief of Nickalos George Polizos.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H.R. 9825) to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S. 1836. An act to amend the Federal Seed Act (53 Stat. 1275), amended;

S. 2462. An act to amend the joint resolution establishing the American Revolution Bicentennial Commission;

H.R. 3165. An act for relief of Martin H. Loeffler;

H.R. 3560. An act for the relief of Arie Rudolf Busch (also known as Harry Bush); and

H.R. 11249. An act to amend the John F. Kennedy Center Act to authorize additional funds for such Center.

ORDER FOR RECESS TO 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 10 a.m. tomorrow.

The PRESIDING OFFICER (Mr. BELLMON in the chair). Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HUGHES TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that upon disposition of the Journal tomorrow the distinguished Senator from Iowa (Mr. HUGHES) be recognized for not to exceed 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR SMITH OF MAINE TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that tomorrow at the conclusion of the remarks of the distinguished Senator from Iowa (Mr. HUGHES), the distinguished senior Senator from Maine (Mrs. SMITH) be recognized for not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NO PERIOD FOR CONSIDERATION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. MANSFIELD. Mr. President, there will be no period for the transaction of routine morning business tomorrow. It is anticipated that at the conclusion of the remarks of the senior Senator from Maine (Mrs. SMITH) the Senate will resume the consideration of the pending business until approximately the hour of 2 p.m.

ORDER FOR RECOGNITION OF SENATOR CHURCH TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that tomorrow at 2 p.m., or as close thereto as possible, the distinguished Senator from Idaho (Mr. CHURCH) be recognized for not to exceed 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, for the information of the Senate, if the pending business is not completed before the Senator from Idaho (Mr. CHURCH) is recognized, we will resume consideration of the pending business after the Senator from Idaho completes his remarks.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on the Judiciary.

(For nominations this day received, see the end of Senate proceedings.)

WATER QUALITY IMPROVEMENT ACT OF 1969

The Senate resumed the consideration of the bill (S. 7) to amend the Federal Water Pollution Control Act, as amended, and for other purposes.

Mr. MUSKIE. Mr. President, I have sent a technical amendment to the desk, which I now call up.

The PRESIDING OFFICER. The amendment offered by the Senator from Maine will be stated.

The bill clerk read the amendment, as follows:

On page 44, line 4, after the period insert the following:

"In the case of any action pursuant to this subsection such insurer or other person shall be entitled to invoke all rights and defenses which would have been available to the owner or operator if an action had been brought against him by the claimant, and which would have been available to him if an action had been brought against him by the owner or operator.".

On page 57, line 4 strike out "and".

Mr. MUSKIE. Mr. President, since reporting S. 7 it has come to the attention of the committee, as a result of correspondence from the British maritime insurance underwriters, that the liabilities provided in this legislation will be uninsurable unless the insurer or person providing evidence of financial responsibility, as required by subsection (f)(2), is specifically guaranteed the same rights as available to the owner or operator of a discharging vessel. The amendment which I am now offering carries out that purpose and has the same defenses as would have been available in an action between the insurer and the vessel.

The committee intended that the insurer have the same rights and defenses as an owner or operator. This amendment is technical to the extent that it clarifies the committee intent. The committee wants to make absolutely certain that the liabilities established in this legislation are not made uninsurable by a misunderstanding of the legislative intent.

I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Maine.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MUSKIE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MUSKIE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield to the distinguished Senator from Maryland.

AMENDMENT NO. 205

Mr. MATHIAS. I thank the Senator from Maine for yielding to me.

I call up my printed amendment No. 205, which is a very simple amendment. It merely provides for a further opportunity for the public to participate, where that is appropriate, in the process of the granting of a license or an application, or of some change in an application or a license, and that when proper demand is made, with proper notice, there shall be a right of public hearing.

That is really all that the amendment provides, and I think it is so simple and so consistent with what we have been trying to do in every area of government, which is to provide, for the public interest, that there be a valid explanation or defense, that I respectfully solicit the support of the Senate for this amendment.

The PRESIDING OFFICER. Does the Senator wish to call up his amendment at this time?

Mr. MATHIAS. I call up the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The BILL CLERK. The Senator from Maryland (Mr. MATHIAS) proposes an amendment (No. 205) as follows:

On page 62, line 25, after "cation," insert "and after providing an opportunity to interested persons for a public hearing.".

Mr. MUSKIE. Mr. President, as I understand the amendment of the distinguished Senator from Maryland, it would apply to section 16(c), which requires that there be State certification of compliance with water quality standards on any application for a Federal license or permit. What the Senator from Maryland would propose is that a public hearing be held, or be required, in any State involving certification of such an application.

Mr. MATHIAS. If interested persons so request.

Mr. MUSKIE. That is right. I think it is a reasonable amendment, Mr. President; indeed, I compliment the Senator on offering it. It has been the general thrust of the committee's approach to this problem to require public hearings, so that interested members of the public as well as the parties directly involved could have an influence upon the public policy that is developed.

So I am happy to support the amendment in behalf of the committee.

Mr. GRIFFIN. Mr. President, I rise to voice my support to the amendment offered by the distinguished junior Senator from Maryland.

An important step forward in the prevention of water pollution would be taken in the Water Quality Improvement Act of 1969 by requiring federally licensed facilities to obtain State certification that water quality standards will be met before a construction or operating license is issued.

The amendment before us will strengthen the certification process provided in the legislation by permitting a public hearing to be held at the request of an interested party before certification is granted. One of the primary purposes of this proposal is to deal with the unique problem of thermal pollution from nuclear reactors. Since the Atomic Energy Commission has no jurisdiction to consider environmental effects in its licensing function, the potential hazards of thermal discharges have not received adequate preinstallation consideration. Consequently, in order to provide the fullest opportunity for expert analysis of this problem, provision for a public hearing is absolutely necessary.

Although all of the States have adopted or are in the process of adopting temperature standards, there is still much to be learned in terms of the effect on the reproductive cycle of fish and the development of slime and aquatic weeds through the diminution of dissolved oxygen in the water. A report by a special committee on nuclear discharges appointed by Lake Michigan area States and the U.S. Department of the Interior states:

> Because of relatively limited attention to thermal pollution in the past, there are few experts in the disposal of waste heat and many gaps in knowledge of behavior of waste heat in receiving waters, of its effects on water quality and uses, and of the most efficient and economical methods of disposal without damage to the aquatic environment. For example, methods of calculating the patterns that will be assumed in lake waters by heated water discharges, and the rates of cooling that may be anticipated in the receiving waters are in the developmental stage. Much additional research will be necessary before it will be possible to predict with assurance what heated water will do when discharged to a lake.

Probably one of the most uncertain factors is the quantitative effect of many nuclear powerplants. By 1980, it is estimated that 30 percent of the Nation's generating capacity will come from nuclear power. At present, in Michigan, there are two operable nuclear plants with five more in the planning and construction stages. Also, within the next 10 to 15 years there may be as many as 10 nuclear plants discharging into Lake Michigan. Thus, the almost certain large increase in nuclear facilities is reason enough for close scrutiny of each proposed plant.

Mr. President, I believe that the proposed amendment will improve the provisions in S. 7 and, by not requiring a hearing in every instance, will not unduly hamper the certification process. I might point out that Michigan is one of several States which requires that proposed uses of State waters meet applicable water standards and which provides for public hearings before approval of the use is granted. The success and feasibility of Michigan's statutory scheme emphasizes the need to insure that all State pollution standards are adhered to before any damage has occurred.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 205) of the Senator from Maryland.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. What is the will of the Senate?

Mr. MATHIAS. Mr. President, I move to reconsider the vote by which my amendment (No. 205) was agreed to.

Mr. MUSKIE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. What is the will of the Senate?

Mr. ELLENDER. Mr. President, will the Senator from Maine yield?

Mr. MUSKIE. I am happy to yield to the Senator from Louisiana.

Mr. ELLENDER. As chairman of the Subcommittee on Public Works of the Appropriations Committee of the Senate, I have under my jurisdiction the duty of providing funds for the Atomic Energy Commission. A question has lately arisen about pollution that may result from the construction of atomic powerplants throughout the United States.

My question is whether or not this bill is broad enough to require that those who apply for a license to construct a nuclear plant will be regulated under the bill now before us.

Mr. MUSKIE. Yes; they will be subject to regulation under the bill, but I think I ought to go into a little bit of detail on that, so that the Senator may fully understand how it does so.

Under section 16(c)(1) there is a requirement, on page 62 of the bill, which reads as follows:

> Any applicant for a Federal license or permit to construct or operate any facility or to conduct any activity which may result in any discharge into the navigable waters of the United States shall provide certification from the State in which the discharge originates or, if appropriate, the interstate water pollution control agency to the licensing or permitting agency and notice thereof to the Secretary that there is reasonable assurance that such facility or activity will comply with applicable water quality standards.

In order to trigger that provision of the bill, may I say to the Senator, it is necessary that the States develop water quality standards applicable to this problem. The States have not, up to this point, done so, as they would need to do if we are really to come to grips with the problem which concerns the Senator. It seems to us that this is the machinery which we ought to get started on this problem.

Under the water quality setting standards of the 1965 act, the Secretary can apply pressure, especially following this mandate, upon the States to develop those standards, and once such standards are developed, they are subject to the Secretary's approval, and then subject to enforcement under the 1965 act, first by the States, but ultimately by the Secretary.

So there will be a little time involved, but this legislation will be effective so that, at some point in the not too distant future, it will begin to bite.

Mr. ELLENDER. But the States, as the Senator has stated, would first have to act?

Mr. MUSKIE. Yes.

Mr. ELLENDER. They would have to set State standards?

Mr. MUSKIE. Yes; most of the States may now have legislation adequate to such standards. I think they do, under the 1965 act.

Mr. ELLENDER. As the Senator may know, I understand that of the 17 or 18 plants that have been completed, some have been closed down because of the fact that there was an indication that water in the neighborhood, or even in the general environment of the place, was becoming polluted from the operation of such atomic-powered electric powerplants; and it would seem to me that we ought to place in this bill, if it is not already there, language which would permit the Federal Government to step in, in order to prevent the construction of powerplants from which there may result pollution, as a result of either their construction or their operation.

Mr. MUSKIE. Mr. President, it is my best judgment, and I so state to the Senator, that I think that we have written that kind of provision into the act, though there will be the inescapable time delay to which I have referred.

May I point out to the Senator that the provision of the bill I read applies to the construction or operation of plants that are subject to Federal license or Federal permit. There are other forms and other sources of thermal pollution, to which the Senator has addressed himself which are not subject to Federal permit or license.

Large industrial plants also discharge heated water into streams. There are coal- and oil-fired plants which do the same. Since those plants do not require Federal licenses or permits unless the construction is under the authority of the Corps of Army Engineers, there will be a great deal of thermal pollution in this country that will not be subject to the provisions of the act.

Mr. ELLENDER. Mr. President, why would it not be advisable to cover that phase of the problem?

Mr. MUSKIE. Mr. President, the States could, under their water standard setting authority, act in the matter. It is our hope that under this example set by the Federal Government they will act to cover other forms of thermal pollution within their borders.

I think we will have to keep putting pressure on.

I point out to the Senator, whose dedication I have learned to respect, that, sitting as he does on the Appropriations Committee, he is in perhaps a more effective position than I am to watch the

implementation of the policy upon the nuclear power plants.

I urge him to do so. I welcome enthusiastically his interest in this matter as I know of his influence.

We are trying to do our job on the legislation, but I welcome the interest of the Senator in it.

Mr. ELLENDER. Mr. President, I have set hearings for next week. Members of the AEC will be present to testify as to the plants already in existence.

Unless we are certain of the environmental effects of these nuclear plants, some day we may find that we have created a monster. Before the matter goes too far, I am very hopeful that we will be able to do something about it. I understand that the discharge in some areas is very bad and that it contaminates not only the water but also the air.

Mr. MUSKIE. The Senator is correct. As I think I told the Senator in conversation the other day, we had testimony in a hearing before our committee that as much as 50 percent of the flow of a river might be necessary to cool the discharge from one of these nuclear powerplants.

JUDGE CLEMENT F. HAYNSWORTH, JR.

Mr. WILLIAMS of Delaware. Mr. President, Judge Clement F. Haynsworth, Jr., has been nominated to fill a vacancy on the Supreme Court, and the Senate will soon be voting on the question of the confirmation of his nomination.

Personally, I have not made any decision as to how I shall vote on this nomination and will not do so until I have had a chance to study the record and hear the arguments regarding the allegation that some of his financial transactions may have been improper or that they interfered with his court duties.

But there is one point which has been raised that in my opinion needs to be answered; and that is, the argument that since Mr. Haynsworth and Bobby Baker had at one time—in 1958, 5 years prior to Mr. Baker's exposure—both owned stock in the same company, this association automatically raises a cloud over his qualifications.

In 1963, I took no small part in exposing the questionable financial transactions of Bobby Baker and his associates, and it was upon my insistance that those charges were presented to the Department of Justice. I am not here today to defend either Mr. Baker or any of his partners who were engaged in these questionable financial arrangements; they were a major scandal and a disgrace to the Senate.

During the 2 years of the Senate investigation into Mr. Baker's activities I spent many hours trying to unravel his various financial manipulations, and since Mr. Haynsworth's name was recently mentioned as having been connected with Mr. Baker, I have again reviewed my files. I can find no reference which would connect Mr. Haynsworth with Bobby Baker in an improper manner. If there are those who have such evidence, then in fairness they have a responsibility to present it and let it be considered on its merits. It should also be pointed out that the memorandum which Mr. Haynsworth submitted to the Judiciary Committee supports this contention.

But while we may condemn Mr. Baker and his partners who were engaged in these illegal activities, I caution the Senate not to resort to a policy of guilt by association. Such a policy may prove embarrassing to those who would promote this as an argument against the confirmation of the nomination of Mr. Haynsworth.

To emphasize this I remind the Senate of certain points which may have been overlooked:

First. Prior to 1963, when Bobby Baker's activities were first exposed, Mr. Baker held the position of secretary to the majority, and in that capacity was a daily associate of every one of us who was serving in the Senate at that time.

Second. Senator Lyndon Johnson was a close friend of Bobby Baker's and the majority leader of the Senate at the time Bobby Baker was appointed to the position of secretary to the majority. Mr. Johnson was later elected President of the United States.

Third. Mr. Abe Fortas, a friend and the personal attorney for Bobby Baker when the charges against Mr. Baker were first initiated, later severed his relationship as Baker's attorney and subsequently was appointed and his nomination confirmed by the Senate as a Justice of the Supreme Court.

Fourth. Mr. David Bress, a Washington attorney, represented Mr. Baker and and was subsequently appointed and his nomination confirmed by the Senate, to the position of U.S. attorney in Washington, D.C.

Fifth. Mr. Sheldon Cohen was a tax specialist in the Fortas law firm at the time Mr. Fortas was representing Mr. Baker during the Senate investigation. Mr. Cohen was later appointed, and his nomination confirmed by the Senate to the position of Commissioner of Internal Revenue.

Sixth. Prior to the time Mr. Baker's exposure the then Senator from Florida, Mr. Smathers, and Mr. Baker had been associated in a business venture in Florida.

Seventh. Two former Cabinet officers, Secretary of Commerce Luther Hodges and Secretary of Treasury Henry Fowler, prior to the exposure of Mr. Baker's questionable activities and prior to their appointment, had financial interests in companies with which Mr. Baker was a stockholder. The wife of Secretary Fowler had served as an officer of one of these companies. The nominations of both of these men were confirmed by the Senate.

Eighth. One further point: I remind Senators that the Committee on the Judiciary, which will be voting on this nomination tomorrow still carries Bobby Baker's wife on the committee payroll at a salary of $17,500 per year.

I outline this record here today not for the purpose of casting any reflection upon the integrity of any of those mentioned as having been friends or associates of Bobby Baker prior to 1963, when his questionable activities were first exposed, but merely as a reminder to the Senate of the danger of discrediting any man on the basis of "guilt by association."

I frankly admit that as one Member of the Senate who daily saw Bobby Baker for several years during the time he was serving as secretary to the majority I liked the young man, and it was a great disappointment to me when his questionable financial transactions were first called to my attention and the necessity arose for his denunciation.

I am sure that the members of the Judiciary Committee, which committee still retains Mr. Baker's wife on its payroll, the Members of the U.S. Senate who, like me, were associates of Mr. Baker while he served as the secretary to the majority, and the Members of the Senate who voted for the confirmation of the nominations of several nominees referred to above will all agree that "guilt by association" is not a basis for arriving at our decision.

I repeat, I have not made any decision as to how I shall vote on this nomination and will not do so until I have had a chance to study the record and hear the arguments regarding the allegation that some of his financial transactions may have been improper or that they interfered with his court duties. These points do merit our consideration.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. COOPER. Mr. President, the Senator was kind enough to show me this statement before he made it.

We all recall that it was the Senator from Delaware (Mr. WILLIAMS) who brought to the Senate the information upon which the inquiry into Bobby Baker's case was initiated.

I was a member of the Committee on Rules and Administration which conducted the investigation at that time. Again and again, throughout that very sad period, the Senator from Delaware bore the chief burden of presenting evidence and of insisting upon a full investigation.

I think the Senator has done what is typical of him with respect to his fairness. I point out that it is enough to say that the Senator has done what is typical of him with respect to being absolutely fair.

I find myself in the same position as the Senator from Delaware. I have not determined how I will vote on the matter.

I commend the Senator from Delaware for his statement.

Mr. WILLIAMS of Delaware. Mr. President, I thank the Senator.

Two of the men I mentioned came before our committee for confirmation. I knew about their previous friendship with Bobby Baker. We saw nothing wrong with it. I was the one who moved that their nominations be reported favorably to the Senate.

There have been other nominations that I have opposed, but I think we should make our decision based upon the merits in each case. As I have stated, I am not taking any position as to what my vote on this nomination will be, al-

though I do not doubt that there will be those who will try to read into my statement an indication of what my position will be. I merely want to emphasize that I will try to arrive at the decision on the basis of the merits of the case and not on the basis of any guilt by association.

Since this question as to Mr. Haynsworth connection with Mr. Baker has arisen in the press several reporters have asked me, "Do you know anything about it?" I thought I had better make one clear statement for all concerned. So far as I can determine I have seen nothing whatever in the files that would indicate any improper connection.

I am merely trying to clarify my position, in fairness, and I do that as one who may or may not vote, in the final analysis, for confirmation my decision will be based on factors other than this.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CURTIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WATER QUALITY IMPROVEMENT ACT OF 1969

The Senate resumed the consideration of the bill (S. 7) to amend the Federal Water Pollution Control Act, as amended, and for other purposes.

Mr. CURTIS. Mr. President, I have an amendment at the desk, and I ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 66, line 6, strike qut the word "two" and insert "three"; and in line 7, strike out the word "two" and insert "three".

Mr. CURTIS. Mr. President, under section 16(c)(6) it is provided that for any facility being constructed under a Federal license on the date of enactment of S. 7, no certification under section 16(c)(1) is required for any Federal operating license necessary for such facilities, if such operating license is issued within 2 years following the date of enactment. The subsection further provides that after 2 years, the licensee must provide certification or see its operating license terminate.

This provision is directed principally at facilities licensed under the Atomic Energy Act and is designed to require those facilities to comply with applicable water quality standards particularly as they relate to thermal pollution. This objective is laudible and I support it. However, the 2-year period of time for facilities being constructed to revise their specifications is possibly too short. The installation of facilities necessary to achieve compliance with water quality standards involves millions of dollars and requires considerable time for design and construction. I, therefore, submit, and the basis of my amendment is, that the 2-year time period in order that facilities under the provisions of subsection 16(c)(6) be given added time to achieve necessary compliance.

I think this amendment is necessary to avoid undue hardship while at the same time achieving compliance with water quality standards. The amendment would merely extend the time 1 year.

I urge the adoption of the amendment. It is my hope that the distinguished chairman of the committee, who is in charge of the bill, will see fit to accept it.

Mr. MUSKIE. Mr. President, I have discussed this amendment with the distinguished Senator from Nebraska and the distinguished Senator from Delaware (Mr. BOGGS). It does not in any way change the thrust of this provision of the bill or the principle underlying it. It is a question of allowing more time for plants that began their construction before the date of enactment of this bill to adjust to its requirements. I have no objection to the amendment.

Mr. CURTIS. I thank the distinguished Senator very much.

I ask for a vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska.

The amendment was agreed to.

AMENDMENT NO. 132—ADDITIONAL COSPONSORS

Mr. NELSON. Mr. President, I call up my amendment No. 132, and I ask unanimous consent that the names of the following Senators be added as cosponsors of the amendment: Mr. MUSKIE, Mr. RANDOLPH, Mr. BAYH, Mr. BROOKE, Mr. BURDICK, Mr. CANNON, Mr. CASE, Mr. CHURCH, Mr. CRANSTON, Mr. DODD, Mr. EAGLETON, Mr. GOODELL, Mr. GRAVEL, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. HOLLINGS, Mr. INOUYE, Mr. JAVITS, Mr. KENNEDY, Mr. MAGNUSON, Mr. MCGEE, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MONDALE, Mr. MOSS, Mr. PELL, Mr. PROXMIRE, Mr. TYDINGS, Mr. WILLIAMS of New Jersey, and Mr. YOUNG of Ohio.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

The assistant legislative clerk read as follows:

AMENDMENT NO. 132

On page 69, line 7, in lieu of "(k)" insert "(l)".

On page 72, between lines 8 and 9, insert the following: "(j)(1) The Secretary shall, after consultation with appropriate local, State, and Federal agencies, public and private organizations, and interested individuals, as soon as practicable but not later than two years after the effective date of this subsection, develop and issue to the States for the purpose of adopting standards pursuant to section 10(c) criteria reflecting the latest scientific knowledge useful in indicating the kind and extent of effects on health and welfare which may be expected from the presence of pesticides in the water in varying quantities. He shall revise and add to such criteria whenever necessary to reflect developing scientific knowledge.

"(2) For the purpose of assuring effective implementation of standards adopted pursuant to paragraph (1) the Secretary shall, in consultation with appropriate local, State, and Federal agencies, public and private organizations, and interested individuals, conduct a study and investigation of methods to control the release of pesticides into the environment, which study shall include examination of the persistency of pesticides in the water environment and alternatives thereto. The Secretary shall submit a report on such investigation to Congress together with his recommendations for any necessary legislation within two years after the effective date of this subsection."

On page 72, line 9, in lieu of "(j)" insert "(k)".

Mr. NELSON. Mr. President, in a recent grim scenario, a noted ecologist, Dr. Paul Ehrlich, projects the end of the oceans as a significant source of life in 10 years. Mass starvation of mankind follows, then war.

Dr. Ehrlich says if present trends continue, such a disastrous end to life on earth could be perilously near.

Not surprisingly, pesticides were a key part of Dr. Ehrlich's setting for disaster. As the first dramatic danger signal of the threat to life in the sea, the ecologist cites the report in 1968 that DDT slows down photosynthesis in marine plant life.

In his article in Ramparts magazine, Dr. Ehrlich spells out the implications:

It was announced in a short paper in the technical journal, Science, but to ecologists it smacked of doomsday. They knew that all life in the sea depends on photosynthesis, the chemical process by which green plants bind the sun's energy and make it available to living things. And they knew that DDT and similar chlorinated hydrocarbons had polluted the entire surface of the earth, including the sea.

Events moved inexorably from that point on in the Ehrlich scenario, with pesticides continuing to play a major role. Through the present, all events he cites are fact. For the future, he bases his conjecture on current trends.

Implausible to project the end of the oceans and man in 10 years? There have been too many "implausibles" or "impossibles" in this century that have come true: World War I, World War II, the atomic bomb, the hydrogen bomb, the war in Vietnam, the riots in American cities and universities, the assassination of a President, a candidate for President, and an international civil rights leader. One can readily understand the perceptive comment of Nobel Prize Winning Biologist Dr. George Wald that today's youth are the first generation that believes, and with good reason, that there may be no future.

And as we move into the last third of the 20th century, it has become dramatically clear that the danger we face from the destruction of the habitat and life support systems of man by overpopulation and pollution is as great as that from nuclear holocaust.

Only a short time ago, anyone discussing our environmental problems could not have thought to include pesticides as a major threat. Like other technological innovations that have brought shocking byproducts, pesticides have come into being and then into mass use with stunning speed.

DDT DISCOVERED

For instance, DDT was first formulated in 1874. But its properties as an insecticide were not discovered and put into use until World War II. Almost immediately, DDT became known as the miracle in-

secticide that helped control tropical disease and win the war.

Since then, thousands of millions of pounds of DDT and other synthetic pesticides have been applied to millions of acres to regulate economic plant or animal populations, to protect food and fibre crops, reduce vectors of disease, and abate pest nuisances.

Their fame spread as did their use. Billions upon billions of pests have fallen victim to their dust, spray, or powder.

But new strains of pests developed with increased resistance to DDT and other common pesticides.

Too often, instead of seeking more effective, more selective means of pest control, the reaction of many users has been to apply more, perhaps two, three, 10 times as much, to overcome the pest's newly attained resistance.

Today, nearly 900 million pounds of pesticides, including insecticides, herbicides, fungicides, rodenticides, and fumigants, are sold annually in the United States alone, more than 4 pounds for every American. Last year, the sales of pesticides increased some 10 percent over the previous year, and by 1985, it is estimated that they will increase another sixfold.

Reports indicate that about 1 acre of every 10 in America is treated with an average of nearly 4 pounds of pesticides every year.

And in little over 25 years, DDT and other pesticides have been spread by the soil, wind, the tide, and the chain of life itself to the farthest reaches of the earth. This and other highly persistent, mobile pesticide compounds are now one of the most easily distinguishable marks of the presence of man.

GLOBAL CONTAMINATION

Six years ago, two U.S. scientists hypothesized that the entire globe may already have been contaminated by DDT. To find out, they went to Antarctica. If any area of the world were to be free of pesticide residues, it would be that isolated continent, where there are no pests, few animals or plants, and where the nearest pesticide use is thousands of miles away.

The scientists found pesticide residues in four of 16 Adelie penguin they tested, four of 16 Wedell seals, and 15 of 16 skuas—a sea bird. The evidence was inescapable. Worldwide pesticide contamination was confirmed.

Another scientist, who measured residues in the Antarctic snow melt, estimated that over the last two and a half decades, about 2,600 tons of DDT could have accumulated in the Antarctic snow and ice.

Scientists have yet to discover exactly how DDT and other pesticides have spread so far, so fast. But some things are clear: DDT, with a half life of 10 years, is remarkably hard to break down, especially in the natural environment where nature has not developed the means to decompose this synthetic compound. And pesticides such as DDT and Dieldrin are highly mobile, able to travel through the environment by any number of means.

The pesticide residues tend to concentrate to progressively higher levels when they are picked up around the globe by tiny organisms, then passed up the food chain.

A well-researched example of this characteristic was documented in California. In order to control a troublesome flying insect that was hatching in a lake in that State, the water was treated with the insecticide DDD—similar to DDT—yielding a concentration of 0.02 parts per million. Plankton, which includes microscopic waterborne plants and animals, accumulated the DDD residues at five parts per million. Fish eating the plankton concentrated the pesticide in their fat to levels from several hundred to up to 2,000 parts per million. Grebes, diving birds similar to loons, fed on the fish and died. The highest concentration of DDD found in the tissues of the grebes was 1,600 parts per million.

If it were simply a case of another compound sprawling over the earth like dirt or air, there might be little cause for concern. But the implications of the pervasive pesticide accumulation are far more serious.

ACTIVE AGAINST LIFE

Dr. Charles Wurster, an organic chemist and nationally known pesticide expert assisting the Environmental Defense Fund, likens the pesticide spread to mass use of biocides, agents which are known by scientists as "active against life."

"In general, if an organism has nerves, DDT or Dieldrin can kill it," Wurster believes. He says the action of other hard, chlorinated hydrocarbon pesticides such as Aldrin, Endrin, Heptachlor and Toxaphene is similar. Thus, Wurster says these compounds "are toxic to almost the entire animal world."

During a recent conference on pesticides in Stockholm, evidence was presented that DDT, even in very small quantities, could affect human metabolism. One of the studies cited was Russian research that indicated that workers whose jobs bring them in contact with DDT and other organochlorine pesticides were found to suffer from changes in the liver which slowed down the elimination of wastes from the body.

A major study published this summer by the National Cancer Institute found that at least 11 pesticides out of 123 chemical compounds tested induced a significantly increased incidence of tumors in laboratory animals. The 11 tumorigenic compounds included five insecticides p,p' -DDT, Mirex, bis(2-chlorethyl)-ether, chlorobenzilate and strobane; five fungicides PCNB, Avadex, Ethyl selenac, ethylene thiourea, and bis (2-hydroxyethyl) dithiocarbamic acid potassium salt; and one herbicide N-(hydroexthyl) hydrazine.

While the researchers have reserved judgment on whether these pesticides should be considered as a potential cause of cancer, it appears very certain that growing concern about the threat of pesticides to human health is entirely warranted.

In 25 years, then, we have turned loose on the earth a massive dose of compounds that can cripple or kill, and which are tragically indiscriminate in their attacks. When DDT is applied to do one job, it lingers and accumulates in the environment as a toxic threat to fish, wildlife, and possibly even to man.

Already, the petrel of Bermula, the bald eagle and peregrine falcon of America and the blue shell crab of the sea are each being pushed to the brink of extinction by the spread of pesticides through our environment.

Like so many other environmental disasters, it is shocking that this has happened. But what is almost beyond belief is that, even from the beginning, the pesticide dangers were known.

The fact that DDT would kill wildlife was determined in 1945, the same year that the pesticide was released for civilian use. The discovery was made by wildlife biologists working in U.S. Department of Agriculture studies.

From that point on, scientific concern continued to mount worldwide, but, unfortunately, the debate simmered out of the public eye for almost two decades.

"SILENT SPRING"

Then, in 1962, came a dramatic turning point: The New Yorker magazine serialized a book by a lady biologist in the U.S. Department of Interior that brought home to the public for the first time the rapidly building dangers from pesticide misuse. The book was "Silent Spring," by Miss Rachel Carson.

Challenging the myth that pesticides were the panacea that they were being proclaimed, Miss Carson said:

> As crude a weapon as the cave man's club has been hurled against the fabric of life.

Translated into 30 languages, the book was read by millions in the United States and around the world. Almost singlehandedly, it bridged the gap between the scientist and the concerned citizen which so often exists in our complex society today.

In 1963, Miss Carson testified before the Senate Government Operations Committee, chaired by our colleague, Senator ABRAHAM RIBICOFF.

Also in 1963, a report by the President's Science Advisory Committee, chaired by Jerome Weisner, concluded that the goal of our national efforts should be "elimination of the use of persistent toxic insecticides."

In the following Congress, I initially introduced legislation to ban the interstate sale and shipment of DDT. I subsequently introduced the same legislation in the 90th and 91st Congresses, and similar measures have since been introduced in the House. During the past three Congresses, no committee hearings have been held on these proposals.

However, interest around the country in achieving effective pesticide controls continued to build, and there was growing citizen impatience with the failure of State and Federal agencies to act.

Yet, despite the urgent warnings and concern, our government agencies have failed miserably to respond responsibly to this massive problem. Not a single Federal office has taken any significant action that would lead to the goal of "eliminating" the use of persistent toxic pesticides that was established 6 years ago by the Presidential committee.

AGENCIES INEFFECTIVE

The fact is that the Federal Government has been perpetuating this grave

environmental and health problem, rather than resolving it.

It was recently revealed that the U.S. Department of Agriculture, which is charged with regulating pesticide use, has been sponsoring a program with the Air Force and other Government agencies under which 250,000 pounds of dieldrin has been applied to 56 military and civilian airports across the country over the past 15 years.

This program, which has raised strenuous objections from scientists, was twice reviewed and approved by the interdepartmental Federal Committee on Pest Control.

The committee, which is billed as the regulator of Federal pesticide use, recently confirmed that the General Services Administration and the Office of the Capitol Architect have not even submitted their pesticide programs to the committee for review.

Clearly, the Federal effort at regulating itself has been as ineffective as has the regulation of pesticide use at large.

Ironically, a number of States, as well as several foreign countries, have shown far greater willingness to act than the U.S. Government. DDT has been banned by the States of Michigan and Arizona, and overseas, by Denmark and Sweden. And countless cities and towns have stopped using DDT in their mosquito control and tree disease eradication programs. In addition, a number of States, including Wisconsin, and California, are considering steps to drastically restrict the use of DDT and other hard pesticides within their borders.

These recent State and local measures are a reflection of the citizen demand for action that has been building at a heartening pace.

For instance, the idea of creating an Environmental Defense Fund grew out of a suit filed in April 1966, against the Suffolk County Mosquito Control Commission, by Victor J. Yannacone, Jr., a young lawyer, on behalf of his wife, Carol, and all other people of Suffolk County, Long Island. The court challenge was based on a report that a DDT dumping by commission employees was the cause of a fish kill in a nearby lake.

The New York suit was successful in leading to a temporary ban on the use of DDT in Suffolk County by public agencies, and gained public recognition as one of the first attempts to argue that the citizen has the right under law to protect his environment.

Then in November of 1967, the Environmental Defense Fund brought its first court action in its own name, seeking to prevent the use of dieldrin in a Japanese-bettle control project in Michigan by the Michigan and U.S. Departments of Agriculture. Several Michigan Conservation Department affidavits, including one holding that the spraying would threaten Lake Michigan's new coho salmon fishery, were disallowed on a technicality when the State attorney general's office refused to let the department officially enter the case. The tragic results of pesticide misuse for the coho were to become evident 3 years later.

In the Michigan suit, Yannacone got a temporary order from the State court of appeals to stop the dieldrin spraying, but this injunction was dissolved after a 6-hour trial.

WISCONSIN DDT HEARINGS

One year later, the battleground shifted to the other side of Lake Michigan, to Madison, Wis., where citizen groups and the Environmental Defense Fund joined forces in a petition asking the State Department of Natural Resources to ban the use of DDT in the State under any circumstances where the pesticide can enter world circulation patterns and further contaminate the biosphere. With EDF, the petitions groups were the Citizens Natural Resources Association of Wisconsin and the Wisconsin division of the Izaak Walton League.

In the State hearing which began last December, the alliance of concerned scientists and lawyers presented extensive testimony outlining the growing pollution of the environment by persistent pesticides in the chlorinated hydrocarbon family.

Dr. Robert W. Risebrough, an environmental scientist at the University of California at Berkeley, stated that the effect of pesticides on man may be very serious. He said that man accumulates 12 parts per million of DDT in his fatty tissues before the body discharges it. He said that this is enough to stimulate enzyme production, which acts as a catalyst for bodily processes, such as digestion. Risebrough added that the death of some birds has been traced to enzyme induction by DDT, impairing their ability to reproduce.

Dr. Charles F. Wurster, Jr., an organic chemist at the State University of New York, Stonybrook, testified on the range of the pesticide residues through the world.

Other witnesses have testified that DDT goes into the atmosphere along with evaporating water, builds up to extremely high levels in predator birds and animals, and has caused new insect problems by killing predators that once held those insects in check.

Dr. Joseph Hickey, a University of Wisconsin wildlife ecologist, said that DDT has been linked to reproduction failures of certain birds, including the eagle, the osprey, and the peregrine falcon. Dr. Hickey and other researchers have traced the presence of pesticide residues to a decrease in weight and thickness of the shells of eggs produced by these birds.

In related testimony, Lucille Stickel, the pesticide research coordinator of the Interior Department's Patuxent Wildlife Research Center, stated that the presence of small quantities of DDT and its derivative DDE in the diets of mallard ducks decreased eggshell thickness, increased egg breakage, and decreased overall reproductive success.

Although the second half of the hearings, held last spring, was billed as the time for the defense against the arguments of the environmentalists, the pesticide industry, which historically has promoted more pesticide use and fought new controls, made a weak defense.

Industry witnesses who were knowledgeable about the environmental impact of pesticides were few and far between. Instead, defense witnesses relied on shopworn repetitions of the past triumphs of DDT and trotted out research from a decade ago which purported to show that the health of pesticide workers was not impaired by constant exposure to the compounds.

In fact, witnesses for the defense often provided the environmentalists with valuable evidence to support their contentions. For example, a Shell Development Co. scientist confirmed the fact that DDT does not remain in the soil, but has a great deal of mobility and persistence which enables it to infiltrate the atmosphere, the waters, and the total environment.

Another witness for the DDT defense, a U.S. Department of Agriculture pesticide official, admitted that his agency relies almost totally on industry claims regarding health and environmental effects.

An initial decision on the environmentalists' petition is expected before the end of this year.

COHO SALMON SEIZED

Midway through the Wisconsin hearings, a new and dramatic confirmation of pesticide dangers was announced to Wisconsin and the Nation: The U.S. Food and Drug Administration was seizing 28,150 pounds of frozen Lake Michigan Coho salmon because it said high DDT and Dieldrin residues had made the fish unfit for human consumption.

According to the FDA, the concentration of DDT in the salmon was found to be up to 19 parts per million, while the accumulation of Dieldrin was just short of 0.3 of a part per million, both levels considered hazardous by the FDA and the World Health Organization.

The contamination of the Coho challenges a basic foundation of the pesticide argument that has been sounded for a quarter of a century—that pesticide use is invariably an economic benefit, that is to say, an "economic" poison.

One might ask the commercial fisherman who sees the Coho salmon as a great new opportunity in a lamprey-ravaged Great Lakes fishery whether the current pesticide approach is "economic." One might also ask the same question of the resort owner in northern Michigan who saw his business skyrocket with the introduction of the salmon in Lake Michigan in 1965.

One might ask the economic benefit question of the Michigan Department of Natural Resources, which during the 1966 EDF suit attempted to warn of the danger to the Coho, and which has invested millions of dollars to plant Coho salmon fry in Lake Michigan only to see nearly a million of the fry killed by the pesticide contamination. And, finally, one might ask the economic effects if the national recreation resource of the Great Lakes, enhanced by millions of State and Federal tax dollars, is further damaged by the pesticide peril to the salmon and other lake resources, including the very quality of the water itself.

Ironically, the Lake Michigan Water Pollution Conference in 1968 was warned that the pesticide concentration in Lake Michigan was at the crisis point. W. F. Carbine, Great Lakes Regional Director

for the Bureau of Commercial Fisheries, stated:

Lake Michigan has the highest concentration of pesticides of any of the Great Lakes, which now are only slightly below levels that are known to be injurious to man or aquatic life. . . . A continuation at high levels or an upsurge in pesticide application in the Lake Michigan Basin could increase the pesticide concentration prevailing in the open lake from the present non-lethal level to a lethal value.

The evidence is already clear that for the United States, the Lake Michigan tragedy is only the beginning. On June 17 of this year, 52 cases of jack mackerel, caught on the west coast, were confiscated in New York by the Food and Drug Administration because of high DDT levels. The mackerel appeared to be the first ocean fish from American waters to be declared unfit for human food because of DDT.

In several central and northern New York lakes, lake trout have either been eliminated, or their reproduction seriously impaired, because of high pesticide levels. DDT concentrations in the lake trout of up to 3,000 parts per million in the fatty tissues have already been reported.

NATIONAL PESTICIDE SURVEY

A 2-year national pesticide study recently completed by the U.S. Bureau of Sport Fisheries and Wildlife found DDT in 584 of 590 samples of fish taken from 45 rivers and lakes across the United States.

The study results showed DDT ranging up to 45 parts per million in the whole fish, a count more than nine times higher than the current FDA guideline level for DDT residues in fish.

Residues of DDT reached levels higher than the FDA's temporary limit of five parts per million in 12 of the rivers and lakes, including the Hudson in New York; the Delaware; the Cooper in South Carolina; St. Lucio Canal and the Apalachicola in Florida; the Tombigbee in Alabama; the Rio Grande in Texas; Lake Ontario; Lake Michigan; the Arkansas and the White in Arkansas; and the Sacramento in California.

Residues of dieldrin, a pesticide even more toxic to humans than DDT, were found in excess of the 0.3 parts per million FDA limit in 15 rivers and lakes including the Connecticut; the Hudson; the Delaware; the Savannah in Georgia; the Apalachicola; the Tombigbee; the Rio Grande; Lake Ontario; Lake Huron; the Illinois in Illinois; the Arkansas and the White; the Red River in Minnesota; the San Joaquin in California; and the Rogue in Oregon.

In summary, the comprehensive survey found DDT in almost 100 percent of the fish samples, dieldrin in 75 percent, heptachlor and/or heptachlor epoxide in 32 percent, and chlordane in 22 percent.

Related research over the 4-year period, ending in 1968, has determined that more than 1,640,000 fish were killed by pesticide pollution in the Nation's waters, the result of pesticide spills or runoff and concentration in our waters. Millions of more fish no doubt went unborn due to reproductive failures caused by pesticides.

Laboratory research has proven that pesticide levels in water, of even the low parts per billion, can be toxic to adult fish. Levels in low parts per trillion have been found to affect reproduction.

Already, the pesticide levels in Lake Michigan, the most pesticide-polluted of the Great Lakes, are in the low parts per trillion range.

And findings released just this month by the U.S. Public Health Service reported the detection of pesticides in 76 of 79 samples of drinking water supplies around the country. Although the PHS report noted that so far the pesticide levels have not exceeded recommended permissible limits, the health service was concerned. The PHS said:

The high frequency of occurrence and our lack of knowledge of the long-term health effects of this class of compounds dictate the need for increased surveillance and research as well as for increased recognition of the potential of this problem by state and local health departments.

In summary, the already massive and still accumulating evidence on pesticides makes it clear that these toxic compounds have become one of the most serious problems of our environment, and are threatening even greater worldwide damage. Pesticides have concentrated to the far ends of the earth; they are killing fish and wildlife; they have inhibited fish and wildlife reproduction; high pesticide residues have pushed some fish-feeding birds and other animals to the edge of extinction, and now, there is increasing concern and evidence about the threats posed to man.

The problem of pesticides in the environment is showing up most dramatically and seriously in our rivers and lakes. Although the bulk of pesticide application is on land, the compounds, especially hard pesticides like DDT and dieldrin, are persisting long enough to be carried by agricultural and urban runoff into water bodies. There, as I have pointed out, they enter and are concentrated through the food chain of marine life and fish-feeding birds.

There is little question that pesticides are a grave pollution threat, one which we have barely acknowledged, let alone dealt with. And if we continue to delay action to protect the environment and man from these compounds, I am gravely concerned for the probable consequences.

Fortunately, there is an excellent vehicle already available to us to deal with the pollution aspects of the pesticide problem—the Federal Water Pollution Control Act, and particularly the provisions added by the Water Quality Act of 1965.

PESTICIDE AMENDMENT

It is to this act which my amendment to Senate bill 7 is directed. Most simply stated, the amendment provides congressional direction to the Secretary of the Interior to take certain steps to deal with water pollution problems of pesticides under the authorities granted him by the pollution control statute.

I ask unanimous consent that an analysis of the amendment be printed in the RECORD at this point.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

ANALYSIS OF NELSON PESTICIDE POLLUTION AMENDMENT

Under this two-part amendment, the Secretary of the Interior would utilize the authorities granted him by the Federal Water Pollution Control Act to deal with water pollution caused by pesticides.

Part One directs the Secretary to develop and issue to the states within two years water quality criteria for all pesticides. The criteria would list safe pesticide levels in water for public water supplies, propagation of fish and wildlife, recreational purposes, and other legitimate uses.

The criteria would be issued for the purpose of setting pesticide standards as part of the interstate water quality standards already adopted by the 50 states for other pollutants under Federal and state laws.

For the purpose of setting the standards, Section 10C of the Federal Water Pollution Control Act provides that ". . . if the Secretary or the Governor of any State affected by water quality standards . . . desires a revision in such standards, the Secretary may . . . prepare regulations setting forth standards of water quality to be applicable to interstate waters. . . ."

Under this procedure, the Secretary would ask the states to revise their interstate water quality standards to include pesticide limits. If a state does not act, the Secretary is authorized to set the standards. Also, a state may, on its own, request a revision of its standards.

In addition to serving as a basis for these interstate water quality standards, the pesticide criteria would also give the Secretary a useful tool in ongoing and any future federal-state pollution abatement conferences where pesticide pollution might be occurring.

As is the case with present water quality standards, responsibility for enforcing the pesticide standards would rest primarily with the states under an implementation plan adopted by each state as part of the standards.

In the setting and implementing of the standards, Federal law provides that consideration must be given to their practicability and physical and economic feasibility.

Means of implementing the standards could include: state administrative or legislative action to restrict the use of a pesticide pollutant statewide or in the affected watershed; interstate action; integrated pest control; use of less persistent pesticides; development of agents to decompose pesticides; and biodegradability and toxicity standards on the pesticides themselves.

Part Two of the amendment directs the Secretary of the Interior, in consultation with appropriate Federal agencies and other concerned parties, to conduct a study on methods of controlling the release of pesticides into our nation's lakes and rivers and the environment. The study will include examination of the persistence of pesticides in the water and alternatives thereto. Within two years, the Secretary will submit a report on this study to Congress, together with his recommendations for any necessary legislation.

This study will assist the Secretary in perfecting existing means of dealing with pesticide pollution and in determining new ones.

Mr. NELSON. Mr. President, part 1 of the amendment requires the Secretary to develop within 2 years water quality criteria for all pesticides. The criteria would set forth the effects of various pesticide levels in water on fish and wildlife, man and the environment. Because they would outline maximum safe levels, they would represent the essential basis

for action to deal with the pesticide pollution problem.

Under his existing authorities, the Secretary has already developed criteria for a wide range of pollutants, from municipal sewage to industrial waste, and these are serving as the basis for the interstate water quality standards which have been set by all 50 States as the key to the national pollution cleanup effort. Criteria have been developed for some pesticides, but they are general and incomplete, and technical personnel have advised that 2 years is a reasonable time to allow development of comprehensive pesticide criteria.

STATE STANDARDS INADEQUATE

After a review of the water quality standards already adopted by the States under the Federal act, it is very clear that pesticides are dealt with only in the most general way in the standards, and it is doubtful that this approach will lead to effective control.

For instance, only three States—Alaska, California, and South Dakota—have set specific numerical limits for pesticides in their water quality standards. Two other States—Idaho and Virginia—specifically mention pesticides in toxicity sections of their standards. Otherwise, the State standards deal with pesticides only as they would be covered in general narrative statements on toxicity or by public water supply or aquatic life criteria.

I requested the Federal Water Pollution Control Administration to do a State-by-State summary of pesticide provisions in the water quality standards, and I ask unanimous consent that it be printed in the RECORD at the end of this statement.

The PRESIDING OFFICER (Mr. CRANSTON in the chair). Without objection, it is so ordered.

(See exhibit 1.)

Mr. NELSON. Mr. President, based on the preliminary criteria already developed by the Interior Department, the comprehensive pesticide guidelines required by this amendment would no doubt indicate what level of a specific pesticide in water is hazardous to a specific species of fish. In addition, safe levels for pesticides would no doubt be determined for other water uses, including those of drinking, swimming, and boating.

The comprehensive pesticide criteria would be issued by the Secretary to the States for the purpose of setting pesticide standards as part of the interstate water quality standards already adopted by the States under Federal and State laws.

For the purpose of setting the standards, section 10(c) of the Federal Water Pollution Control Act provides:

> If the Secretary or the Governor of any State affected by water quality standards . . . desires a revision of such standards, the Secretary may . . . prepare regulations setting forth standards of water quality to be applicable to interstate waters. . . .

Under this procedure, the Secretary would ask the States to revise their interstate water quality standards to include pesticide limits. If a State does not act, the Secretary is authorized to set the standards. Also, a State may on its own request a revision of its standards. The Federal law provides that consideration must be given in the standard setting to practicability and physical and economic feasibility.

In addition to serving as a basis for interstate water quality standards, the pesticide criteria would also give the Secretary a useful tool in ongoing and any future Federal-State pollution abatement conferences where pesticide pollution might be occurring.

The step-by-step procedure that would be followed under the Federal Water Pollution Control Act for standard setting and implementation follows:

First. The Secretary, after consultation with interested, concerned parties, would prepare and publish regulations setting forth water quality standards for pesticides, based on the criteria he had developed.

Second. The States would then adopt pesticide standards for their interstate waters, subject to the review and approval by the Secretary as meeting his comprehensive criteria. The States could adopt more stringent standards than provided by the criteria. If the States did not adopt pesticide standards and did not petition the Secretary for a public hearing on the question, the Secretary is authorized to promulgate the standards.

Third. Responsibility for enforcing the standards would rest primarily with the States, under an enforcement plan adopted as part of the standards. Implementation of the present water quality standards for other pollutants generally means the issuance by the States of orders to polluters to take remedial steps. If the orders are not followed, State court action could follow. Issuance of pollution cleanup orders must be preceded by further public hearings.

It is unlikely that action to implement pesticide standards under the water pollution control law would be by court action against pesticide users.

This is true principally because, unlike municipal sewage which is discharged from one point, pesticides usually enter the water in a generalized fashion from a wide range of sources. For instance, DDT may be coming to a river from 100 farms, or 15 towns, in one watershed.

IMPLEMENTATION OF STANDARDS

Fortunately, there are more equitable and efficient means available to implement and enforce pesticide standards, approaches which would be carried out by cooperative efforts between users, pollution control and other pesticide regulatory agencies, and pesticide manufacturers:

First, State administrative or legislative action to restrict or prohibit the use of a pesticide pollutant statewide or in the affected watershed. As pointed out earlier, a number of States, and cities and towns are already taking this approach.

Second, interstate action, through compacts, or the Federal-State pollution control conference provided in Federal law, to restrict or prohibit the use of certain pesticides. For instance, a committee to the Federal-State conference on Lake Michigan made specific recommendations for pesticide limits and other interstate or uniform State actions.

Third, increased use of less persistent pesticides as substitutes for compounds such as dieldrin and DDT which remain in a toxic state for years. This would be coupled with more efficient means of pesticide application. The feasibility of this approach is demonstrated by the fact that for virtually all crops, the U.S. Department of Agriculture lists more than one pesticide as being able to control harmful pests; I ask unanimous consent that a list of readily degradable pesticides prepared by the U.S. Department of Agriculture be printed in the RECORD at this point.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

READILY DEGRADABLE INSECTICIDES (INCLUDING MITICIDES)

Common name (or trade name*)	Chemical name (or source)	Type of compound
Abate*	*0,0*-dimethyl phosphorothioate *0,0*-diester with 4,4′-thiodiphenol	Organophosphorus.
Aldicarb	2-methyl-2-(methylthio) propionaldehyde *O*-(methylcarbamoyl)oxime	Carbamate.
Allethrin	2-allyl-4-hydroxy-3-methyl-2-cyclopenten-1-one ester of 2,2-dimethyl-3-(2-methylpropenyl)cyclopropanecarboxylic acid.	Pyrethroid.
Azinphosethyl	*0,0*-diethyl phosphorodithioate *S*-ester with 3-(mercaptomethyl)-1,2,3-benzotriazin-4(3*H*)-one	Organophosphorus.
Azinphosmethyl	*0,0*-dimethyl phosphorodithioate *S*-ester with 3-(mercaptomethyl)-1,2,3-benzotriazin-4(3*H*)-one	Do.
Azodrin*	3-hydroxy-N-methyl-*cis*-crotonamide dimethyl phosphate	Do.
Barthrin	6-chloropiperonyl 2,2-dimethyl-3-(2-methylpropenyl)cyclopropane-carboxylate	Pyrethroid.
Baygon*	*o*-isopropoxyphenyl methylcarbamate	Carbamate.
Bidrin*	3-dydroxy-*N,N*-dimethylcrotonamide dimethyl phosphate	Organophosphorus.
Binapacryl	2-*sec*-butyl-4,6-dinitrophenyl 3-methyl-2-butenoate	Aromatic ester.
Bux*	*m*-(1-methylbutyl)phenyl methylcarbamate and *m*-(1-ethylpropyl)-phenyl methylcarbamate (3:1 mixture)	Carbamate.
Carbaryl	1-naphthyl methylcarbamate	Do.
Carbofuran	2,3-dihydro-2,2-dimethyl-7-benzofuranyl methylcarbamate	Do.
Carbophenothion	*S*-[[(*p*-chlorophenyl)thio]methyl] *O,O*-diethyl phosphorodithioate	Organophosphorus.
Ciodrin*	*alpha*-methylbenzyl 3-hydroxycrotonate dimethyl phosphate	Do.
Coumaphos	*O,O*-diethyl *O*-(3-chloro-4-methyl-2-oxo-2*H*-1-benzopyran-7-yl) phosphorothioate	Do.
Dasanit*	*O,O*-diethyl *O*-[*p*-(methylsulfinyl)phenyl] phosphorothioate	Do.
Demeton	*O,O*-diethyl *S*(and *O*)-[2-(ethylthio)ethyl] phosphorothioates (mixture)	Do.
Diazinon	*O,O*-diethyl *O*-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate	Do.

READILY DEGRADABLE INSECTICIDES (INCLUDING MITICIDES)—Continued

Common name (or trade name*)	Chemical name (or source)	Type of compound
Dichlorvos	2,2-dichlorovinyl dimethyl phosphate	Organophosphorus.
Dimethoate	*O,O*-dimethyl phosphorodithioate *S*-ester with 2-mercapto-*N*-methylacetamide	Do.
Dimethrin	2,4-dimethylbenzyl 2,2-dimethyl-3-(2-methylpropenyl)=cyclopropanecarboxylate	Pyrethroid.
Dimetilan	1-(dimethylcarbamoyl)-5-methyl-3-pyrazolyl dimethylcarbamate	Carbamate.
Dioxathion	*S,S'-p*-dioxane-2,3-diyl *O,O,O',O'*-tetraethyl phosphorodithioate diphenylamine	Organophosphorus.
Diphenylamine	Diphenylamine	Aromatic amine.
Disulfoton	*O,O*-diethyl *S*-[2-(ethylthio)ethyl] phosphorodithioate	Organophosphorus.
Dursban*	*O,O*-diethyl *O*-3,5,6-trichloro-2-pyridyl phosphorothioate	Do.
Dyfonate*	*O*-ethyl S-phenyl ethylphosphonodithioate	Do.
EPN	*O*-ethyl *O-p*,nitrophenyl phenylphosphonothioate	Do.
Ethion	*S,S'*-mehtylene *O,O,O',O'*-tetraethyl phosphoro dithioate	Do.
Formetanate	*m*-[[(dimethylamino)methylene] amino] phenyl methylcarbamate	Carbamate.
Galecron*	*N'*-(4-chloro-*o*-tolyl)-*N,N*-dimethylformamidine	Aromatic amidine.
Gardona*	2-chloro-1-(2,4,5-trichlorophenyl)vinyl dimethnyl phosphate	Organophosphorus.
Imidan*	*O,O*-dimethyl phosphorodithioate *S*-ester with *N*-(mercaptomethyl)-phthalimide	Do.
Landrin*	2,3,5-trimethylphenyl methylcarbamate and 3,4,5-trimethylphenyl methylcarbamate (mixture)	Carbamate.
Malathion	diethyl mercaptosuccinate *S*-ester with *O,O*-dimethyl phosphorodithioate	Organophosphorus.
Matacil*	4-(dimethylamino)-*m*-tolyl methylcarbamate	Carbamate.
Methomyl	*S*-methyl *N*-[(methylcarbamoyl)oxy]thioacetimidate	Do.
Methyl parathion	*O,O*-dimethyl *O-p*-nitrophenyl phosphorothioate	Organophosphorus.
Methyl Trithion*	*S*-[[(*p*-chlorophenyl)thio]methyl] *O,O*-dimethyl phosphorodithioate	Do.
Mevinphos	methyl 3-mydroxycrotonate dimethyl phosphate (*alpha*-isomer)	Do.
Mobam*	benzo[*b*]thien-4-yl methylcarbamate	Carbamate.
Mocap*	*O*-ethyl *S,S*-dipropyl phosphorodithioate	Organophosphorus.
Monitor*	*O,S*-dimethyl phosphoramidothioate	Do.
Naled	1,2-dibromo-2,2-dichlorethyl dimethyl phosphate	Do.
Neo-pynamin*	2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylic acid ester with *N*-(hydroxymethyl)-1-cyclohexene-1,2-dicarboximide.	Pyrethroid.
Nicotine	(principal active ingredient from *Nicotiana tabacum*)	Natural product.
Parathion	*O,O*-diethyl *O-p*-nitrophenyl phosphorothioate	Organophosphorus.
Phorate	*O,O*-diethyl *S*-[(ethylthio)methyl] phosphorodithioate	Do.
Phosphamidon	dimethyl phosphate ester with 2-chloro-*N,N*-diethyl-3-hydroxycrotonamide	Do.
Pyrethrins	(active insecticidal constituents of *Chrysanthemum cinerariaefolium*)	Natural product.
Rotenone	(principal active ingredient of derris and cube)	Do.
Ruelene*	4-*tert*-butyl-2-chlorophenyl methyl methylphosphoramidate	Organophosphorus.
Ryania	(powdered stemwood of *Ryania speciosa*)	Natural product.
Sabadilla	(alkaloid mixture isolated from seeds of *Schoenocaulon officinale*)	Do.
SBP–1382 (Penick)	(5-benzyl-3-furyl) methyl 2, 2-dimethyl-3-(2-methylpropenyl)=cyclopropanecarboxylate	Pyrethroid.
Schradan	octamethylpyrophosphoramide	Organosphosphorus.
Sumithion*	*O*, *O*-dimethyl *O*-4-nitro-*m*-tolyl phosphorothioate	Do.
Trichlorfon	dimethyl (2, 2, 2-trichloro-1-hydroxyethyl) phosphonate	Do.

READILY DEGRADED, INACTIVATED, AND RELATIVELY NONPERSISTENT HERBICIDES[1]

Common name	Activity code	Chemical name	Type of compound
Acrolein	1	Acrolein	Acrylaldehyde.
Amitrole	1	3-amino-*s*-triazole	Triazole.
AMS	1	Ammonium sulfamate	Ammonium salt.
Atrazine	2	2-chloro-4(ethylamino)-6-(isopropylamino)-*s*-triazine	*s*-triazine.
Benefin	2	*N*-butyl-*N*-ethyl-*alpha,alpha,alpha*,-trifluoro-2,6-dinitro-*p*-toluidine	Aromatic amine.
Bromacil	3	5-bromo-3-*sec*-butyl-6-methyluracil	Uracil.
Ametryne	2	2-(ethylamino)-4-(isopropylamino)-6-(methylthio)-*s*-triazine	*s*-triazine.
Amiben	1	3-amino-2,5-dichlorobenzoic acid	Benzoic acid.
Atratone	2	2-(ethylamino)-4-(isopropylamino)-6-methoxy-*s*-triazine	*s*-triazine.
Barban	1	4-chloro-2-butynyl *m*-chlorocarbanilate	Carbamate.
CDAA	1	*N,N*-diallyl-2-chloroacetamide	Aliphatic amide.
CDEC	1	2-chloroallyl diethyldithiocarbamate	Carbamate.
Chloroxuron	2	3-[*p*-(*p*-chlorophenoxy)phenyl]-1,1-di-ethylurea	Urea.
Chlorpropham	1	isopropyl *m*-chlorocarbanilate	Carbamate.
2,4-D	1	(2,4-dichlorophenoxy) acetic acid	Phenoxy acid.
Dalapon	1	2,2-dichloropropionic acid	Aliphatic acid.
2,4-DB	1	4-(2,4-dichlorophenoxy)butyric acid	Phenoxy acid.
2,4-DEP	1	tris[2-(2,4-dichlorophenoxy)ethyl] phosphite	Phenoxy salt; organophosphorus.
Dicamba	2	3,6-dichloro-*o*-anisic acid	Benzoic acid.
Dichlobenil	3	2,6-dichlorobenzonitrile	Aromatic nitrile.
Dichlorprop	1	2-(2,4-dichlorophenoxy)propionic acid	Phenoxy acid.
Diphenamid	2	*N,N*-dimethyl-2,2-diphenylacetamide	Araikyl amide.
Diquat	1	6,7-dihydrodipyrido[1,2-*a*:2',1'-*c*]pyrazinediium salt	Heterocyclic quaternary salt.
EPTC	1	*S*-ethyl dipropylthiocarbamate	Carbamate.
Fenuron	2	1,1-dimethyl-3-phenylurea	Urea.
Fenuron TCA	2	1,1-dimethyl-3-phenylurea monotrichloroacetate	Do.
Ioxynil	1	4-hydroxy-3,5-diiodobenzonitrile	Aromatic nitrile.
Linuron	2	3-(3,4-dichlorophenyl)-1-methoxy-1-methylurea	Urea.
MCPA	1	[(4-chloro-*o*-tolyl)oxy]acetic acid	Phenoxy acid.
Monuron	2	3-(*p*-chlorophenyl)-1,1-dimethylurea	Urea.
Norea	2	3-(hexahydro-4,7-methanoindan-5-yl)-1,1-dimethylurea	Do.
Paraquat	1	1,1'-dimethyl-4,4'-bipyridinium salt	Heterocyclic quaternary salt.
Prometone	2	2,4-bis(isopropylamino)-6-methoxy-*s*-triazine	*s*-triazine.
Prometryne	2	2,4-bis(isopropylamino)-6-(methylthio)-*s*-triazine	Do.
Propham	1	isopropyl carbanilate	Carbamate.
Pyrazon	1	5-amino-4-chloro-2-phenyl-3(2*H*)-pyridazinone	Pyridazine.
Sesone	1	2-(2,4-dichlorophenoxy)ethyl sodium sulfate	Phenoxy salt.
Simetone	2	2,4-bis(ethylamino)-6-methoxy-*s*-triazine	*s*-triazine.
Simetryne	2	2,4-bis(ethylamino)-6-(methylthio)-*s*-triazine	Do.
2,4,5-T	1	(2,4,5-trichlorophenoxy)acetic acid	Phenoxy acid.
TCA	1	Trichloroacetic acid	Aliphatic acid.
Trifluralin	2	α,α,α-trifluoro-2,6-dinitro-*N,N*-dipropyl-*p*-toluidine	Aromatic amine.
Metobromuron	2	3-(*p*-bromophenyl)-1-methoxy-1-methylurea	Urea.
Molinate	1	*S*-ethyl hexahydro-1*H*-azepine-1-carbothioate	Carbothioate.
MSMA	2	Monosodium methanearsonate	Organoarsenical.
Naptalam	1	*N*-1-naphthylphthalamic acid	Phthalic acid.
Neburon	1	1-butyl-3-(3,4-dichlorophenyl)-1-methylurea	Urea.
Nitralin	2	4-(methylsulfonyl)-2,6-dinitro-*N,N*-dipropylaniline	Aromatic amine.
Nitrofen	1	2,4-dichlorophenyl *p*-nitrophenyl ether	Diphenyl ether.
PCP	1	Pentachlorophenol	Phenol.
Pebulate	1	*S*-propyl butylethylthiocarbamate	Carbamate.
Propachlor	1	2-chloro-*N*-isopropylacetanilide	Anilide.
Propanil	1	3'4'-dichloropropionanilide	Do.
Propazine	2	2-chloro-4,6-bis(isopropylamino)-*s*-triazine	*s*-triazine.
Siduron	2	1-(2-methylcyclohexyl)-3-phenylurea	Urea.
Silvex	1	2-(2,4,5-trichlorophenoxy)propionic acid	Phenoxy acid.
Simazine	2	2-chloro-4,6-bis(ethylamino)-*s*-triazine	*s*-triazine.

Footnotes at end of table.

READILY DEGRADED, INACTIVATED, AND RELATIVELY NONPERSISTENT HERBICIDES [1]—Continued

Common name	Activity code	Chemical name	Type of compound
Swep	1	Methyl 3,4-dichlorocarbanilate	Carbamate.
TCA	1	Trichloroacetic acid	Aliphatic acid.
Terbacil	3	3-*tert*-butyl-5-chloro-6-methyluracil	Uracil.
Triallate	1	*S*-(2,3,3-trichloroallyl) diisopropylthiocarbamate	Caramate.
Trietazine	2	2-chloro-4-(diethylamino)-6-(ethylamino)-*s*-triazine	*s*-triazine.
2,4-D	1	(2,4-dichlorophenoxy)acetic acid	Phenoxy acid.
2,4-DB	1	4-(2,4-dichlorophenoxy)butyric acid	Do.
2,4-DEB	1	2-(2,4-dichlorophenoxy)ethyl benzoate	Do.
2,4,5-TES	1	sodium 2-(2,4,5-trichlorophenoxy)ethyl sulfate	Phenoxy acid, salt.
Vernolate	1	*S*-propyl dipropylthiocarbamate	Carbamate.
Bromoxynil	1	3,5-dibromo-4-hydroxybuezonitrile	Aromatic nitrile.
Butylate	1	S-ethyl diisobutylthiocarbamate	Carbamate.
CDEA	1	2-chloro-*N*,*N*-diethylacetamide	Aliphatic amide.
Chlorazine	2	2-chloro-4,6-bis(diethylamino)-*s*-triazine	*s*-triazine.
Cycloate	1	S-ethyl N-ethylthiocyclohexanecarbamate	Carbamate.
Cycluron	2	3-cyclooctyl-1,1-dimethylurea	Urea.
DCPA	1	Dimethyl tetrachloroterephthalate	Phtholic acid.
Diallate	1	*S*-(2,3-dichloroallyl) diisopropylthiocarbamate	Carbamate.
Dinosam	1	2-(1-methylbutyl)-4,6-dinitrophenol	Nitrophenol.
Dinoseb	1	2-*sec*-butyl-4,6-dinitrophenol	Do.
Diuron	2	3-(3,4-dichlorophenyl)-1,1-dimethylurea	Urea.
DNOC	1	4,6-dinitro-*o*-cresol	Nitrophenol.
DSMA	2	Disodium methanearsonate	Organoarsenical.
Endothall	1	7-oxabicycle (2.2.1) heptane-2, 3-dicarboxylic acid	Phtholic acid.
Erbon	1	2-(2, 4, 5-triclorophenoxy)ethyl 2, 2-dichloropropionate	Phenoxy acid.
Fenac	3	(2, 3, 6-trichlorophenyl) acetic acid	Do.
Fluometuron	2	1, 1-dimethyl-3-(a, a, a,-trifluoro-*m*-tolyl) urea	Urea.
HCA	1	1, 1, 1, 3, 3, 3-hexachloro-2-propanome	Hexachloroacetane.
Ipazine	2	2-chloro-4-(diethylamino)-6-(isopropylamino)-*s*-trazine	*s*-triazine.
Isocil	3	5-bromo-3-isopropyl-6-methyluracil	Uracil.
KOGN	1	Potassium cyanate	Cyanate.
MCPB	1	4-[(4-chloro-*o*-tolyl)oxy]butyric acid	Phenoxy acid.
MCPES	1	2-[(4-chloro-*o*-tolyl)oxy]ethyl sodium sulfate	Do.
Metham	1	Sodium methyldithiocarbamate	Carbamate.

[1] Herbicides whose degradation, inactivation, and persistent characteristics are such that their use, in accordance with treatments registered for selective control of weeds on cropland, pose no significant problem with respect to registered tolerances for herbicide residues or crop production in following seasons. This list is not all inclusive, particularly with respect to new materials. The herbicides listed are coded as to their degradability, persistence, and inactivation in soil. The legend for the code numbers is as follows:

1. Compounds normally degraded or inactivated, and usually do not persist more than 12 months.
2. Compounds that may persist for more than 12 months, but are normally degraded or inactivated in less than 24 months.
3. Compounds that may persist for more than 24 months, but are normally degraded or inactivated, and usually do not persist for more than 48 months.

READILY DEGRADED, RELATIVELY NONPERSISTENT FUNGICIDES

Common name (or trade name*)	Chemical name	Type of compound
Captan	*N*-[(trichloromethyl)thio]-4-cyclohexene-1,2-dicarboximide	Chlorothiocarboximide.
Chloranil	2,3,5,6-tetrachloro-*p*-benzoquinone	Chlorinated quinone.
Chloroneb	1,4-dichloro-2,5-dimethoxybenzene	Chlorinated aromatic ether.
Daconil 2787*	2,4,5,6-tetrachloroisophthalonitrile	Chlorinated aromatic nitrile.
DCNA	2,6-dichloro-4-nitroaniline	Chlorinated aniline.
Dichlone	2,3-dichloro-1,4-napthoquinone	Chlorinated quinone.
Difolatan*	*cis*-*N*-[(1,1,2,2-tetrachloroethyl)thio]-4-cyclohexene-1,2-dicarboximide	Chlorothiocarboximide.
dinocap	2-(1-methylheptyl)-4,6-dinitrophenyl crotonate	Dinitrophenyl ester.
dodine	Dodecylguanidine acetate	Alkyl guanidine salt.
Dyrene*	2,4-dichloro-6-(*o*-chloroanilino)-*s*-triazine	Chlorinated triazine.
ethoxyquin	6-ethoxy-1,2-dihydro-2,2,4-trimethylquinoline	Ethoxyquinoline.
ferbam	Ferric dimethyldithiocarbamate	Ferric thiocarbamate.
folpet	*N*-[(trichloromethyl)thio]phthalimide	Chlorothiocarboximide.
Glyodin	2-heptadecyl-2-imidazoline acetate	Alkyl imidazoline salt.
Lanstan*	1-chloro-2-nitropropane	Chloronitroalkane.
Lime sulfur	30% calcium polysulfide and various small amounts of calcium thiosulfate plus water and free sulfur	Calcium polysulfides.
Maneb	Manganese ethylenebis [dithiocarbamate]	Manganese thiocarbamate.
Morestan*	6-methyl-2,3-quinoxalinedithiol cyclic *S*,*S*-dithiocarbonate	Thioquinoxaline.
Nabam	Disodium ethylenebis [dithiocarbamate]	Sodium thiocarbamate.
Niacide*	Mixture of manganese dimethyldithiocarbamate and 2-benzothiazolethiol	Manganese thiocarbamate.
Pipron*	3-(2-methylpiperidino) propyl 3,4-dichlorobenzoate	Chlorinated piperidyl benzoate.
8-quinolinol	8-quinolinol	Hydroxyquinoline.
Sulfur	Sulfur	Elemental sulfur.
Thioquinox	2,3-quinoxalinedithiol cyclic trithiocarbonate	Thioquinoxaline.
Thiram	Bis (dimethylthiocarbamoyl) disulfide	Thiocarbamate.
Tricamba	3, 5, 6-trichloro-o-anisic acid	Chlorinated benzoic acid.
Zineb	Zinc ethylenebis [dithiocarbamate]	Zinc thiocarbamate.
Ziram	Zinc dimethyldithiocarbamate	Do.
Mertect*	2-(4-thiazolyl) benzimidazole	Thiabendazole.
Polyram*	Mixture of 5.2 parts by weight of ammoniate of [ethylenebis (dithiocarbamato)] zinc with 1 part by weight ethylenebis [dithiocarbamic acid] bimolecular and trimolecular cyclic anhydrosulfides and disulfides.	Dithiocarbamate.
Streptomycin	2, 4-diguanidino-3, 5, 6-trihydroxycyclohexyl 5-deoxy-2-*O*-(2-deoxy-2-methylamino-a-glucopyranosyl)-3-formyl pentofuranoside.	Antibiotic (produced by *Streptomyces griseus*).
Vitavax*	2, 3-dihydro-5-carboxanilido-6-methyl-1, 4-oxathiin	1, 4-oxathiin derivative.

READILY DEGRADABLE, RELATIVELY NONPERSISTENT NEMATICIDES

Common name (or trade name*)	Chemical name (or source)	Type of compound
EDB	1,2-dibromoethane	Hydrocarbon.
DBCP	1,2-dibromo-3-chloropropane	Do.
DD	1,3-dichloropropene and 1,2 dichloropropane	Do.
Methyl bromide	Monobromomethane	Do.
Chloropicrin	Trichloronitromethane	Do.
Penphene*	2,3,4,5-tetrachlorothiophene	Do.
Dazomet	3,5-dimethyltetrahydro-1,3,5,2H-	Carbamate.
Aldicarb	2-methyl-2-(methylthio) propionaldehyde O-(methylcarbamoyl) oxime	Do.
Methomyl	S-methyl N-(methylcarbamoyl)oxy)thioacetimidate	Do.
Metham-sodium	Sodium *N*-methyldithiocarbamate	Do.

READILY DEGRADABLE, RELATIVELY NONPERSISTENT NEMATICIDES—Continued

Common name (or trade name*)	Chemical name (or source)	Type of compound
Parathion	*O,O*-diethyl O-p-nitrophenyl phosphorothioate	Organophorus.
MENCS	methyl isothiocyanate	Do.
Mocap*	*O*-ethyl *S,S*-dipropyl phosphorodithioate	Do.
Dasanit*	*O,O*-diethyl *O*-*p*-(methylsulfinyl)phenyl phosphorothioate	Do.
Bay 68138	Ethyl 4-(methylthio)-m-toyl isopropylphoramidate	Do.
Thionazin	*O,O*-diethyl *O*-2-pyrazinyl phosphorothioate	Do.
Diazinon	*O,O*-diethyl *O*-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate	Do.
Carbofuran	2,3-dihydro-2,2-dimethyl-7-benzofuranyl methyl-carbamate	Do.
V-C 13 Nemacide*	*O*-(2,4-dichlorophenyl) *O,O*-diethyl phosphorothioate	Do.

Mr. NELSON. Mr. President, fourth, is the increased use of systems of integrated pest control, combining biological and chemical controls, and additionally, developing pest-resistent crop strains. This approach is showing increased success as an effective economic means of pest control;

Fifth, further development of agents which cause the persistent pesticides to decompose more rapidly in the soil and water after they have been applied to a crop and accomplished their task; and,

Sixth, the development of standards on the biodegradability and toxicity of pesticide components.

COMPREHENSIVE STUDY

Part 2 of the amendment directs the Secretary of the Interior, in consultation with appropriate Federal agencies, and other concerned parties, to conduct a study on methods of controlling the release of pesticides in our Nation's lakes and rivers and the environment. The study will include examination of the persistency of pesticides in the water and alternatives thereto. Within the 2 years, the Secretary will submit a report on this study to Congress together with his recommendations for any necessary legislation.

This study should assist the Secretary in perfecting existing means of dealing with pesticide pollution and in determining new ones, to assure equitable and enforceable standards.

There is abundant evidence to show that the six approaches—State action, interstate action, integrated pest control, use of less persistent pesticides, development of agents to decompose pesticides, and biodegradability and toxicity standards—will prove effective in the nationwide program of pesticide water quality criteria and standards which this amendment would establish.

For instance, a report published this month by the American Chemical Society described in detail a number of means by which the massive pesticide contamination can be minimized. I believe it would be helpful to outline some of the information provided by this and other reports which we have studied.

First, since pesticides have been billed as a panacea for controlling all pests, heavy application has become a national habit, whether it is needed or not. For example, cotton is often sprayed with toxic, persistent pesticides every 5, 7, or 10 days.

BETTER PESTICIDE USE

Yet, with effective use of our improved knowledge of the life cycle and behavior of both the crop and the pest, pesticide application could be cut down to only that period of the time when a pest is in fact endangering a crop.

In addition, acceptance of the valid idea that 100-percent pest control need not be achieved would further cut pesticide use. Often, damage to crop production could be prevented with just a 75-percent control of the pests.

Another valid application method which would further cut pesticide use, expense, and pollution, is treating only the areas that are heavily infested with pests. As an example, mountain water in North Carolina was found to contain more than 0.3 parts per billion of DDT when an entire oak-hickory forest was treated for a tree disease. Later, when only the region of the forest affected by the disease was treated, it was impossible to find any trace of DDT in the waters. And the disease was still controlled.

If improved application equipment were used, there woud be another significant reduction in pesticide use.

A Mississippi study on the aerial application of the persistent pesticide heptachlor showed that only 17 percent of the compound was applied at the proper rate on the crop. The remainder either missed the crop, was applied at a rate much lower than necessary, or was applied at a rate much higher than necessary. In another study, only 10 to 20 percent of a pesticide dust reached the plant, with the remainder missing its target entirely.

Concentrated efforts to eradicate whole pests populations also offer great promise. For example, if just three pests, the boll weevil, the boll worm, and the codling moth, were eradicated, it would be possible to reduce the amount of insecticides applied each year in the United States by some 40 percent.

BIOLOGICAL CONTROL

Insect sterilization has become one of the most effective ways to eliminate a total insect population. This was the technique that was used to eradicate the screw-worm fly from the Southeast United States. The U.S. Department of Agriculture raised millions of screwworm flies weekly, with radioactive cobalt used to make the flies reproductively sterile.

Massive numbers of sterilized flies were air dropped regularly over thousands of square miles infested by native screwworm flies. The sterile flies mated with the native females, and the resulting eggs failed to hatch. Repeated releases of sterile flies reduced screwworm numbers, until the pests finally disappeared.

Presently, the Agriculture Department is maintaining a barrier zone along the United States-Mexico border to keep out new screwworms through continuously releasing sterile flies along that area.

The American Chemical Society says that the ideal pesticide should be as effective as possible against one or several pests and as safe a possible to all other forms of life, including beneficial insects and predators, fish and other wildlife, domestic animals, and man. As one of its main recommendations in its recent report, the Society urged:

> Persistent pesticides should only be used in minimal amounts and under conditions where they have been shown not to cause widespread contamination of the environment. Where possible, highly persistent materials should be replaced by rapidly degradable materials.

The feasibility of this approach is demonstrated by the fact that, as pointed out earlier, for virtually all crops, there are several pesticides, some very persistent and some not, which can effectively control harmful pests.

In several parts of the country, the cost of pesticide use has increased so drastically, that other systems of pest control with little or no reliance on chemical formulations have been adopted with great success.

INTEGRATED PEST CONTROL

Among these approaches is integrated pest control, which can be best defined as an insect population management system that depends primarily on the use of beneficial predator insects with limited reliance on the use of selective chemicals.

Presently there are successful integrated pest control programs in operation on the following crops: cotton, citrus fruits, apples and pears, tomatoes, potatoes, avocadoes, olives, grapes, corn, eggplant, lettuce, strawberries and others.

This means of pest control is based on the principles of applied ecology. In order for success to be achieved, the fields must be placed under periodic surveillance to determine when and where specific pest infestations occur. When a problem is discovered, predators, parasites, or disease organisms specifically related to that pest are released to bring the pests back into a favorable balance. Very limited amounts of pesticide may be used, but only when absolutely necessary, and only on the infested area of the crop.

While many farmers and other pesticide users resist giving up chemical means of pest control because they feel that other alternatives may be more costly, the opposite has been proven true with regard to integrated pest control.

LOWER COST

Prof. Robert VandenBosch of the College of Agricultural Sciences, University of California at Berkeley, cites this example: The cost of pest control using chemical pesticides for 4,000 acres of cotton in California was $185,000. When integrated pest control replaced the use

of chemical pesticides, the cost dropped to $20,000 a year. The statistics for spotted alfalfa in California are very similar, where in 1957, the cost of pest control with chemical pesticides was at least $12 million. Today, after the introduction of integrated pest control, the cost has been reduced to only $3 million, with little or no pest problems remaining.

A recent edition of the Western Fruit Grower cites additional cases of the successful and economical application of integrated pest control in place of the use of chemical pesticides. One expert in biological control has enabled a producer of Valencia oranges to reduce the cost of pest control from $200 per acre, using chemical control, to only $60 an acre with integrated pest control. Another orange grower has been able to reduce his cost per acre for pest control to just $35 per acre, using integrated pest control, and has had higher yields than ever in the history of the grove.

Another pest control approach showing major promise is the use of hormones. The principle is to give an insect its own hormone at the wrong stage of its life, so that it upsets the bug's growth processes and causes it to destroy itself.

Finally, the search is now underway for a catalyst which would cause DDT to self-destruct after it had accomplished its insect control tasks. If successful, this would be a major breakthrough in dealing with the tendency of hard pesticides to persist in the environment long after they are needed. Secretary of the Interior Walter Hickel recently announced the award of a contract to test this approach.

America and the world cannot afford to wait much longer to decide that hurling the crude weapon of hard pesticides against the fabric of life, the apt description by Rachel Carsono, is not the answer to our pest control problems.

Our approach must be much more sophisticated than that, and as I have outlined above, there is an abundance of alternatives. And there is no reason why the job cannot be done more effectively and far more economically than the present massive, indiscriminate pesticide use. The savings would accrue to the farmer and all other pesticides users, to our environment, and most importantly, to future generations of life on earth.

I believe the pesticide amendment S. 7 is a major step in the right direction. Criteria would be developed, standards would be set and implemented, and the means to meet these standards brought into use.

I urge the Senate's adoption of the amendment, and I am heartened and deeply appreciative of the cosponsorship of this proposal by 31 Senators, including the chairman of the Senate Public Works Committee, Senator RANDOLPH, and the chairman of the Subcommittee on Air and Water Pollution, Senator MUSKIE, who is the author of S. 7.

This board support is without question a confirmation of the growing insistence of Congress that the quality of the American environment and the quality of the American environment and the quality of life for all Americans be given the protection that is so urgently needed.

EXHIBIT 1

U.S. DEPATRMENT OF THE INTERIOR,
FEDERAL WATER POLLUTION CONTROL ADMINISTRATION,
Washington, D.C. August 25, 1969.

Hon. GAYLORD NELSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR NELSON: In accordance with Mr. John Heritage's recent request by telephone to Mr. Bern Wright of our Water Quality Standards Branch, a review has been made of the States' water quality standards requirements on pesticides and the following information and enclosed summaries are being provided for your use.

Most of the State standards contain one or more requirements by which limits on specific toxic substances may be imposed on a case-by-case basis. These controls are found in the standards in the form of a general narrative statement on toxicity, or they may be included in the public water supply or acquatic life use criteria. Three of the States have specific numerical limits for pesticides and at least two others specifically mention pesticides in their toxicity standards.

SPECIFIC NUMERICAL STANDARDS ON PESTICIDES

Alaska

Standards of the State of Alaska contain a pesticide limit of 0.001 of the 96-hour LC_{50}. (96-hour LC_{50} means the lethal concentration of a substance that will result in a 50% kill of the test organism in a 96-hour period.)

California

Tidal Waters Inland from the Golden Gate within the San Francisco Bay Region—No individual pesticide or combination of pesticides shall reach concentrations found to be deleterious to fish or wildlife at any place.

Goose Lake—The total chlorinated hydrocarbon pesticide content shall not exceed 0.10 micrograms per liter as determined by the summation of the individual concentrations, and the individual pesticide content shall not reach those levels found to be detrimental to aquatic life and wildlife.

Idaho

Toxic or Other Deleterious Substances (pesticides, phenolics and related organic and inorganic materials)—Toxic chemicals of other than natural origin in concentrations found to be of public health significance or adversely affect the uses indicated. Guides such as the Water Quality Criteria published by the State of California Water Quality Control Board, Second Edition, 1963, will be used in evaluating the tolerances of the various toxic chemicals for the use indicated.

South Dakota

Pesticides, herbicides and related compounds shall be treated as toxic materials and taste and odor producing chemicals and controlled under the provisions of Chapter II, Section II, Subsection 2 and 4.

Chapter II, Section II, Subsection 2—*Toxic Materials.* No materials shall be discharged to any surface water or watercourse in the State which produce concentrations of chemicals toxic to humans, animals or the most sensitive stage or form of aquatic life greater than 0.1 times the acute (96-hour) median lethal dose for short residual compounds or 0.01 times the acute median lethal dose for accumulative substances or substances exhibiting a residual life exceeding 30 days in the receiving waters.

Chapter II, Section II, Subsection 4—*Taste and Odor Producing Chemicals.* No materials shall be discharged which will result in concentrations in the receiving water sufficient to impart objectionable tastes and odors to edible aquatic life.

Virginia

Salt water (shellfish)—Area is not to be so contaminated with radionuclides, pesticides, herbicides or fecal material, that consumption of the shellfish might be hazardous.

PUBLIC WATER SUPPLY CRITERIA

Several States have included the Public Health Service (PHS) Drinking Water Standards as requirements for establishing the quality of water to be maintained as an acceptable source of public water supply. These standards establish a limit of 0.2 mg/1 for Carbon Chloroform Extract (CCE). This is intended to be a general safety control for the detection of "ill defined" chemicals which could include pesticides. The CCE control is not intended for replacement of specific limits on pesticides and other toxic substances.

Those States which expressly include the PHS requirements for waters designated for public water supply use are as follows: Alabama, Alaska, California, Connecticut, Georgia, Maine, Michigan, Minnesota, Montana, Nebraska, North Carolina, Rhode Island, Vermont, West Virginia, Wyoming.

AQUATIC LIFE-TOXICITY STANDARDS

All of the States standards provide for the protection of aquatic life from toxic substances. Appendix A is a summary of these requirements as they relate to aquatic life.

A copy of the "Report of the Committee on Water Quality Criteria-Federal Water Pollution Control Administration" is also enclosed for your reference use. Pages 56, 58, 59 of this report provide discussions on "Toxic Substances" and "Bioassay" which may be helpful to you in interpreting the standards on toxic substances. You will also find on pages 62–65, 82–83, 116, 118, 131, 137, 156 of this report information on pesticides. Each of the State water pollution control agencies have been provided a copy of this report and it is being widely used by the States as a guide in the updating of their water quality standards.

If you have any further questions concerning specific requirements in the standards, please let me know.

Sincerely yours,

DAVID D. DOMINICK,
Commissioner.

APPENDIX A—*TOXICITY STANDARDS For Surface Waters Used For FISH PROPAGATION AND WILDLIFE*

(Toxic substances—Maximum allowable (mg/1))

Alabama: Only amounts not injurious to fish and aquatic life, including shrimp and crabs, or the propagation thereof. 1/10 of 48-hour TL_m or other approved limits.

Alaska: Less than acute or chronic problem levels as revealed by bioassay. None which causes tainting of flesh of edible species.[b] Pesticides: 0.001 of 96-hour LC_{50}[b].

Arizona: Biocide concentrations shall be kept below levels which are deleterious to human, animal, plant, or aquatic life, or in amounts which interfere with this use.

Arkansas: Shall not be present in quantities toxic to human, animal, plant, or aquatic life or which interfere with the normal propagation of aquatic life. 1/10 of 48-hour TL_m.

California: At all times less than the concentrations toxic or harmful to wild or domestic animals or to aquatic life.

Colorado: Free from biocides, toxic, or other deleterious wastes in concentrations or combinations sufficient to be harmful to aquatic life.

Connecticut: Free from chemical constituents in concentrations or combinations

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Footnotes at end of article.

which would be harmful to human, animal, or aquatic life. Bioassays shall be performed as needed.

Delaware: None in concentrations harmful (synergistically or otherwise) to humans, fish, wildlife, and aquatic life.

District of Columbia: None from waste sources in concentrations or combinations which are harmful to human, animal, plant, or aquatic life or which interfere with this use.

Florida: Free from waste substances toxic or harmful to human, animal, or aquatic life. F: 10.0 Cu–0.5, Zn–1.0, Cr^6–0.05, Pb–0.05, Fe–0.3, As–0.05. Cn: none detectable.

Georgia: None in concentrations that would harm man, fish and game, or other beneficial aquatic life.

Territory of Guam: Free from waste materials that will be toxic or irritating to humans, animals, plants, or aquatic life.

Hawaii: Free from biocides, toxic, or other deleterious substances in concentrations harmful to human, animal, or marine life, or which cause unpleasant taste in seafood.

Idaho: No toxic chemicals of other than natural origin, in concentrations of public health significance or which adversely affect this use.

Illinois: 1/10 of 48-hour TL_m. As–1.0, Ba–5.0, Cd–0.05, Cr^6–0.05, Cr^3–1.00, Cu–0.04, Cn–0.025, Pb–0.1, Ag–0.05, An–1.00.

Indiana: 1/10 of 96-hour TL_m from continuous-flow bioassays where the dilution water and toxicant are continuously renewed, or other factors when justified and approved.

Iowa: NH_3–N–2.0, As–1.0, Ba–5.0, Cd–0.05, Cr^6–0.05, Cr^3–1.00, Cu–0.02, Cn–0.025, Pb–0.10, Zn–1.0. Maximum of 5.0 for entire heavy metal group.

Kansas: Pollutional substances will be maintained below maximum permissible concentrations which would be detrimental for recreational requirements.

Kentucky: 1/10 of 48–hour TL_m. Free from waste substances in concentrations or combinations which are toxic or harmful to human, animal, plant, or aquatic life.

Louisiana: 1/10 of 48-hour TL_m. None present in quantities that alone or in combination will be toxic to animal or plant life.

Maine: No chemical constituents from waste sources, which are harmful to humans, animal, or aquatic life, or which adversely affect this use.

Maryland: Free from toxic wastes which interfere with this use or which are harmful to human, animal, plant, or aquatic life.

Massachusetts: None at levels harmful to human, animal, or aquatic life, or which make the waters unsuitable for fish or their propagation, or impair their palatability.

Michigan: 1/10 of 96-hour TL_m. from continuous flow bioassays.

Minnesota: Cr-tr, Cu-tr, Cn-tr, NH_3(N)-tr[b1], Cr-1.0, Cu-0.2, Cn-0.02, NH_3(N)-1.0[c], Cr-1.0, Cu-0.2, Cn-0.02, NH_3(N)-2.0[d]. None directly or indirectly harmful.[e]

Mississippi: 1/10 of 48-hour TL_m.

Missouri: None which have harmful effect on human or animal life.

Montana: 1/10 of 96-hour TL_m for short residual materials and 1/100 of 96-hour TL_m for pesticides.

Nebraska: None in combinations or concentrations which render the water unsafe or unsuitable for this use.

Nevada: None present in concentrations, from other than natural origin, which are deleterious to animal, plant, or aquatic life, or which exceed the 1962 PHS "Drinking Water Standards."

New Hampshire: None in toxic concentrations or combinations. Free from chemicals and conditions inimical to fish life or the maintenance thereof.

New Jersey: None which would affect humans or be detrimental to the natural aquatic biota.

New Mexico: 1/10 of 48-hour TL_m. Shall not change the ecology to an extent detrimental to existing forms of life nor be toxic to humans, plants, fish, or animals.

New York: None alone or in combination with other substances or wastes in sufficient amounts to be injurious to fish life or impair the waters for this use.

North Carolina: 1/10 of 48-hour TL_m. Shall not change the ecology to an extent detrimental to existing forms of life nor be toxic to humans, plants, fish, animals.

North Dakota: No waste materials, either in concentrations or combinations, which result in the waters being toxic or harmful to human, animal, or aquatic life.

Ohio: 1/10 of 48-hour TL_m. Free from waste substances in concentrations or combinations which are toxic or harmful to human, animal, or aquatic life.

Oklahoma: 1/10 of 48-hour TL_m. Shall not be present in such quantities as to cause the waters to be toxic to human, animal, plant, or aquatic life.

Oregon: No conditions deleterious to fish or other aquatic life or which affect the palatability of fish.

Pennsylvania: None in amounts sufficient to be inimical or harmful to this use.

Commonwealth of Puerto Rico: None alone or in combination with other substances or wastes in amounts injurious to edible fish or their culture, taste, or propagation.

Rhode Island: Bioassays shall be performed as required by the appropriate agencies. None which would be harmful to human, animal, or aquatic life.

South Carolina: Free from waste materials which are toxic or harmful to human, animal, plant, or aquatic life, or which interfere directly or indirectly with this use.

South Dakota: 1/10 of 96-hour TL_m for short residual compounds. 1/100 of 96-hour TL_m for substances of residual life exceeding 30 days. Cn–02[d1e1fg] 0.05[h]

Tennessee: There shall be no substances added that will produce toxic conditions that affect fish or aquatic life.

Texas: Shall not exhibit acute or chronic toxicity to human, animal, or aquatic life to such an extent as to interfere with this use.

Utah: No waste materials in concentrations or combinations which are toxic or which produce undesirable physiological responses in humans, fish, and other animal life, and plants.

Vermont: Bioassays shall be performed, including assessment of taste and odor. Free from chemical constituents harmful to human, animal, or aquatic life.

Virginia: Free from toxic substances attributable to waste, in concentrations or combinations which interfere directly or indirectly with this use.

Virgin Islands of the United States: Free from waste substances in concentrations or combinations which are toxic or harmful to human, animal, or aquatic life.

Washington: Below concentrations which may cause acute or chronic toxic conditions to the aquatic biota.

West Virginia: No concentrations of materials poisonous to man, animal, or fish life.

Wisconsin: None present in amounts which by bioassay or other tests indicate acute or chronic levels harmful to animal, plant, or aquatic life.

Wyoming: Free from toxic substances of other than natural origin in concentrations or combinations which are toxic to human, animal, or aquatic life.

FOOTNOTES

[b] Standard reserved from approval by FWPCA.

[b1] Applies to propagation and maintenance of warm and coldwater sport or commercial fishes.

[b2] Standards apply only to coastal waters.

[e] Applies to propagation and maintenance of sport or commercial fishes.

[d] Applies to propagation and maintenance of fish species common to the area waters.

[d1] Fish life propagation—coldwater permanent.

[e] Applies to use by wildlife.

[e1] Fish life propagation—coldwater marginal.

[f] Fish life propagation—warmwater permanent.

[g] Fish life propagation—warmwater semipermanent.

[h] Fish life propagation—warmwater water marginal.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. NELSON. I yield to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, the Senator from Wisconsin has often appeared before the Committee on Public Works and its subcommittees in reference to the matters of cleansing the air and purifying the water. I will not mention the long list of affirmative actions he has initiated in the Senate. I am not sure how many cosponsors on the amendment, but I do know there is a considerable list. I am delighted I could join him in the amendment.

In joining with him we recognize his leadership in this field. I think his explanation this afternoon of the presence of pesticides and the danger that can be wrought by this type pollution is a real one. I express my thanks for his constructive efforts.

Mr. NELSON. I thank the distinguished chairman of the Committee on Public Works for his gracious remarks. I might add, however, the reason I appeared before the Committee on Public Works, of which the Senator from West Virginia is chairman, is that that committee has been doing such extensive work in the field of enhancing the quality of air and water in this country. They have made it possible for conservationists and Members of Congress to appear in connection with legislation of this nature to which his committee has devoted so much time.

Mr. MONDALE. Mr. President, I rise in support of the amendment (No. 132) introduced by the Senator from Wisconsin (Mr. NELSON) to S. 7.

I have already stated the many reasons that I support the Water Quality Improvement Act of 1969, and I appreciate this opportunity to direct specific remarks to the amendment now proposed by my distinguished colleague from Wisconsin.

Under the proposed amendment, the Secretary of the Interior is directed to take certain steps that would guarantee water quality criteria for all pesticides. The criteria would be based on the effects of various pesticide levels on fish and wildlife, as well as man and his environment. The criteria would outline maximum safe levels for the presence of pesticides in water, and these would represent the essential basis for State or Federal action to deal with the pesticide pollution problem.

It is clear that persistent pesticides are so polluting our rivers, lakes, streams, and oceans that fish can and have been killed; that fish reproduction can and has been inhibited; that high pesticide residues in water have affected birds and other animals; and, that now, even man is threatened.

Specifically, the amendment would permit the Secretary of the Interior, after consultation with all interested and concerned parties, to prepare and publish regulations setting forth water quality standards for pesticides that will clearly not have a deleterious effect on fish or man. Responsibility for enforcing the standards would rest primarily with the States. Standards could be implemented by issuing orders to polluters to take remedial measures.

A particularly significant aspect of this amendment is that it permits the establishment of a system for tabulating, monitoring, and recording precisely what pesticide residues should be permitted.

As chairman of the Senate Subcommittee on Migratory Labor, I have become particularly aware of the need to establish similar procedures insofar as farmworkers may be affected by pesticide use.

There is mounting evidence concerning the harmful effects of pesticides on our Nation's migrant and seasonal farmworkers. Experts from the Department of Health, Education, and Welfare concede that perhaps as many as 800 farmworkers are killed and 80,000 injured by pesticides each year. We know that the agricultural industry experiences one of the highest occupational disease rates in the United States. Just last week we learned that a substantial proportion of farmworkers experience symptoms of chemical poisoning which include dermatitis, rashes, eye irritation, nausea, vomiting, fatigue, excess sweating, headaches, double vision, dizziness, skin irritations, difficulty in breathing, loss of fingernails, nervousness, insomnia, bleeding noses, and diarrhea.

It is clear from our hearings that proper safeguards and protections for farmworkers do not exist in the use of pesticides. In fact, under present State and Federal regulations, information about how, when, and where chemicals are used is seldom available to the farmworker or to the public.

The hearing record is painfully lacking in any firm evidence that the pesticides to which farmworkers are daily exposed in fact have no deliterious short or long range effects on their health and well-being. Further, it was shocking to learn of the pitifully inadequate funding of programs devoted to research on occupational hazards to farmworkers; and to discover that programs aimed at protecting the farmworkers are neither adequately funded nor enforced.

We do know, however, from recent accounts in medical and scientific journals, that the wrong kinds of chemicals, in the wrong amounts, and in the wrong places are sometimes used with inadequate regard of the health and safety of their workers. Furthermore, we know that recent scientific investigations have produced evidence that DDT causes cancer in animals and provides very strong indications that DDT may produce cancer in man.

Mr. President, I support this amendment, because it establishes a mechanism for the Secretary of the Interior to determine maximum safe levels of pesticides in water that would represent the essential basis for action to deal with the pesticide pollution problem in water. Additionally, enactment of this amendment may serve as a workable model for necessary legislation to protect farmworkers through establishment of a meaningful system for monitoring pesticide effects on man.

Mr. MUSKIE. Mr. President, the amendment offered by the Senator from Wisconsin (Mr. NELSON) is a constructive addition to the legislation which is pending before the Senate. I have discussed this proposal with the Senator from Wisconsin and agree with the need to provide the Secretary of the Interior with a specific directive to formulate criteria which indicate the effects of pesticides on the water environment.

There is a growing national concern regarding the use of pesticides. Conservationists, scientists, medical experts, and ecologists are speaking out against indiscriminate use of pesticides while other scientists, health officials, and agricultural experts oppose actions to limit their availability and use.

Existing information is sufficient to suggest that we have not exercised due care in either the amount or type of pesticides we use. Inadequate attention has been paid to developing less toxic more degradable pesticides and thus, today, we are confronted with the potential of banning entirely the use of some materials which have been extremely helpful in expanding the Nation's productivity and protecting the Nation's health.

I am not prepared, at this time, to suggest that all pesticides, herbicides, fungicides, and insecticides should be banned or even that some of them should be banned. I support Senator NELSON's amendment because we need to know a great deal more about the health and welfare effects of these pollutants and because existing scientific information needs to be assembled and evaluated.

The criteria to be published by the Secretary should provide useful assistance to the States in determining the extent to which the use of pesticides and water quality requirements are in conflict.

In some States it may be necessary to establish limitations on the availability of certain types of pesticides and, in other cases, it may be necessary to limit use of specific pesticides in certain watersheds. Whatever course is taken in controlling use of persistent pesticides, care should be taken to assure that publice health responsibilities such as malaria control are not hindered.

Enforcement procedures must consider the differences between point source control available to municipal and industrial wastes as opposed to the general diffusion of the pollutant in this case. The inability to effectively control this type of pollutant after application suggests the need to consider legislation which will establish uniform standards on the biogradability and toxicity of pesticides to assure environmental protection prior to the indiscriminate introduction of pesticides in to the environment.

The Senator from Wisconsin (Mr. NELSON) has indicated an intent to introduce such legislation in the near future. I will cosponsor his proposal and the Subcommittee on Air and Water Pollution will hold hearings early next year.

I would like to ask the distinguished Senator this question. First of all I share the Senator's concern about the growing dilemma of pesticide pollution. In many ways I think it is perhaps the most serious in its potential impact upon the environment, upon wildlife, and upon human life itself. It is the most persistent and most difficult to come to grips with once pesticides are released in the environment. In that sense, it is like air pollution. Once discharged, it cannot be controlled; so, as in the case of pesticides at the dispersal point.

Since the problem of control is, for that reason, somewhat different from that of other air pollutants, the enforcement problem is different in the same way. So we have to come to grips with that problem.

The amendment offered by the distinguished Senator from Wisconsin is a major advance, I think, toward restoring and preserving the quality of our waters that are now threatened by pesticides.

In addition to leading to specific standards for safe concentrations of pesticides in interstate rivers and lakes, I believe that the amendment serves an equally important purpose of establishing a comprehensive program for research in the Department of the Interior, to study the problems of persistent pesticides and alternatives that can eliminate this contamination of our environment.

That is the point which, I think, is at the heart of resistance to the control of pesticides.

I ask the Senator from Wisconsin whether he believes that the standards that would be developed as a result of his amendment can be met without hindering efforts to control insects, weeds, fungus, and other pests that can cause damage to farmers and can pose a potential hazard to human health.

Mr. NELSON. I do not think there is any question about that. No Member of Congress is more familiar with the Water Pollution Control Act than the Senator from Maine (Mr. MUSKIE) who conructed the hearings, drafted the bill, and engineered its passage in the Senate.

As the Senator knows, under section 10(c) the Secretary can establish criteria, but he must consider the practicability and the economic feasibility of any standards that are proposed to be used. He must take these factors into consideration.

I make one other point. The Department of Agriculture prescribes an alternative pesticide for every chlorinated hydrocarbon, so far as I can ascertain, that is listed for use on virtually every crop in this country. In other words, there is another, more readily degrading pesticide that is readily available. As I review the application rates recommended by the Department and the current prices of pesticides, the cost of hard pesticides compared with readily degradable pesticides is roughly the same.

I believe that the Senator knows Michigan and Arizona have already banned the use of DDT. My own State of Wisconsin is moving to drastically im-

prove the controls on it and has created a board to determine it is necessary to use certain pesticides. There is integrated pest control which has been initiated successfully in California in which they do not indiscriminately spray the crop. They use whatever biological methods they can, including certain organisms which prey on insects. But whatever method they use, biological or chemical, it is limited to the area where the pest is.

In my earlier remarks, I outlined those programs and the cost per acre, which is dramatically less for a program of integrated pest control. Unfortunately, so many people just hire an airplane and go out and spray indiscriminately all over the place.

So in answer to the Senator, I believe that many practical, alternative means are available right now. But again I say, the Secretary must consider the practicability and the economic feasibility for any standards. So that is the protection against arbitrariness on anything he may propose.

Mr. MUSKIE. That is the value of the Senator's amendment. It increases the pressure to recognize the availability of other means of controlling pests than with hard pesticides. If we do not concentrate on that and enlarge the possibilities in this respect, we will be wasting, perhaps, the last chance we will have to avoid the massive dispersal of hard pesticides into the environment.

I am delighted to cosponsor the amendment. I compliment the Senator on becoming, in my judgment, the most knowledgeable expert in the Senate on this problem.

Mr. NELSON. Mr. President, incidentally, I might say to the Senate, that my staff and the staff of the Senator from Maine will get together and develop a legislative proposal establishing standards for the components of pesticides, taking into consideration their persistence, degradibility, and toxicity. This is the next step that must follow so that we can determine if pesticides, like detergents, should be subject to certain standards in order to protect the environment.

Mr. MUSKIE. I thank the Senator.

Mr. TYDINGS. Mr. President, as a cosponsor of amendment No. 132, I congratulate the junior Senator from Wisconsin (Mr. NELSON) for his tireless efforts to call attention to the environmental danger stemming from the widespread and often indiscriminate use of persistent pesticides.

Toxic residues of these chemical compounds are showing up in our air and water, and, through the multiplying effect of the food chain, in human beings as well.

The effect of these poisons on fish and wildlife are well known. Our animal resources can be killed outright, as the Coho salmon were, or face gradual destruction, if not extinction, as are the brown pelican and the bald eagle.

The effect of pesticide residues on man are not yet fully known. Presently there is no evidence that the increasing amounts of pesticides in fact harm human beings. Yet common sense tells us that absorbing poisonous chemicals is not healthy.

The long-term health impact on man of persistent pesticides may well be most damaging.

Mr. President, in late July I introduced wide ranging pesticide protection legislation. The bill, S. 2747, directs the Secretary of Health, Education, and Welfare to make a complete study of the use and effects of pesticides. It transfers the pesticide regulatory functions from the Department of Agriculture to the Department of Health, Education, and Welfare. It removes the exemption from registration and labeling of those pesticides intended solely for export. Finally, the bill places a 4-year moratorium on four of the more persistent and powerful pesticides.

It is perhaps the most comprehensive legislation on pesticides yet introduced in the Senate. But it is unlikely to go anywhere and now will serve only as a point of discussion.

Yet what is required now is not just talk but action as well. Senator NELSON'S amendment is the first step toward protecting our environment from toxic pesticides. I fully support his amendment and again congratulate the Senator for alerting us to the threat.

Mr. HART. Mr. President, I am very pleased to cosponsor Senator NELSON'S amendment to S. 7 which would require the Secretary of the Interior to develop water quality criteria for pesticides. These criteria would then be used by the States as a basis for the adoption of standards to effectively control pesticide pollution of our lakes and rivers.

As with most of our clean water efforts, the need to develop standards which will help to reduce the quantity of persistent pesticides entering our water is long overdue. For many years scientists have been warning that the large-scale and indiscriminate introduction of these chemicals into our environment may be doing serious harm. But only today are people generally beginning to realize that although agricultural production has increased and disease control has been improved through the use of persistent pesticides, these short-term gains may have been purchased at the price of irreversible disruption of many ecological systems.

The so-called magnification effect of pesticides on fish and wildlife has now been well documented. Fish, feeding on miscroscopic organisms which contain persistent pesticides, assimilate these chemicals into their own systems. In addition, through normal gill action, a fish appears to effectively filter pesticides directly from the water. In both cases, the pesticide is stored up in the body fat of the fish where it becomes increasingly more concentrated. Then, moving upward in the food chain, each successive predator assimilates greater and greater concentrations of these pesticides from the smaller fish on which it feeds. Fish at the end of the food chain, such as the Lake Michigan coho salmon, now contain DDT concentrations ranging up to 19 parts per million, and fish-eating birds, such as the osprey and eagle, contain even higher levels of this pesticide.

The effects of such concentrations of persistent pesticides on fish and wildlife are daily becoming better understood. For example, Prof. Howard Johnson of Michigan State University has reported upon the reproductive problems DDT has created for the Lake Michigan coho salmon. Apparently the female salmon passes some of the DDT on to her eggs in concentrations ranging between five and seven parts per million. After the fry hatches from these eggs, they begin to absorb the yolk sac, but as they do, the DDT remaining in the yolk becomes more and more highly concentrated. At the last stages of absorption, DDT concentrations become six to 12 times higher than those in the actual body tissue of the fry and this high level of DDT has proven fatal to a high percentage of the fry.

Slightly different problems have occurred with fish-eating birds. Here the high concentrations of DDT apparently upset the bird's liver enzyme balance and as a result affect its calcium metabolism. The result has been that these birds have produced eggs which have exceptionally brittle shells. In most cases the mother is unable to hatch these eggs, because she accidentally breaks the shell. In one case reported by the Audubon Society, an embryo was born without a shell altogether; it was encased only in a membrane.

Last week the Commerce Committee's Subcommittee on Energy, Natural Resources, and the Environment, which I chair, held field hearings in Michigan to consider the effects of pesticides on sports and commercial fisheries. At these hearings Prof. Joseph Hickey of the University of Wisconsin commented on the serious disruption which DDT has caused to fish-eating bird populations. Branding DDT as the "compound of extinction," Professor Hickey stated:

> In a series of closely integrated studies, British, Canadian, and American scientists have proven that similar reproductive failures (1) occurred in 1947 in peregrine falcons; (2) involve fish-eating birds like bald eagles, ospreys, brown pelicans, double-crested cormorants, and herring gulls; (3) are producing regional extinction in some species and continentally wide extinction in others; and (4) are due to DDE. There is simply no scientific doubt about these statements.

He then went on to state:

> We have lost at least 95 per cent of our nesting peregrine falcons—perhaps the supreme example of avian evolution—in the United States south of Canada, and we may very well lose its entire subspecies in North America. We are going to lose our national bird, the bald eagle, as a nesting species on the shores of the Great Lakes, not necessarily on inland lakes. We have lost the brown pelican on the west side of the Gulf of Mexico. And we will lose it on the coast of California. These are pollution effects due to DDE. The facts are solid and the result of careful, painstaking research.

Much more speculative at the present time are questions about whether consumption of DDT or other persistent pesticides by man could seriously harm his health or well-being. Nevertheless, the evidence of its harm to birds and fish is sufficient to cause grave concern. And recent research efforts are beginning to produce additional disturbing results. For example, earlier this year I released

a report of a study which had been conducted for the National Cancer Institute. This study revealed that when a group of mice was fed a mixture containing 140 parts per million of DDT over a period of 81 weeks, 63 percent developed tumors. With a control group of mice, only 16 percent developed tumors, indicating that the mice exposed to DDT were approximately four times more likely to develop tumors than mice not so exposed. In describing the DDT-induced tumors, the report states:

It seems more reasonable to conclude that the great majority had malignant potentiality.

In addition, at the Environmental Subcommittee hearings on pesticides which were held last May, we asked the Food and Drug Administration whether they could summarize some of their work on the mutagenic effects of pesticides. One of the investigations which they described involves a study of 40 volunteers who are heavy pesticide users and 20 control subjects who are examined monthly to determine what leukocyte chromosome damage can be associated with the exposure to pesticides. According to the FDA:

Preliminary results indicate that during mid-summer the exposed group had something on the order of five times as many chromosome abberations as the control group. So far this study has not been able to make comparisons between the groups at other times of the year.

The Food and Drug Administration, concerned with the results of the expanding volume of research on pesticides, has moved to set pesticide tolerances on many food products. In the case of fish, an interim tolerance level of five parts per mission has been established. Although there is little question that the FDA is taking proper precautions in setting these tolerances, there is also little doubt that this action will seriously disrupt, if not destroy, the fishing industry on Lake Michigan. The coho salmon can no longer be marketed in interstate commerce because of its high DDT concentrations, and other commercially important fish which are lower down in the lake's food chain, such as the chub, now appear to be building up DDT concentrations in excess of the minimum FDA tolerances. Analyses by the Michigan field office of the Bureau of Commercial Fisheries indicate that the DDT concentration in some chubs now exceeds nine parts per million. Lake Michigan lake trout, too, also frequently contain concentrations in excess of the FDA's minimum tolerances.

To preserve many of our country's unique forms of life from extinction, to reverse the grave ecological damage which we are presently causing, and to restore the vitality of our freshwater fisheries, it is imperative that we begin now upgrade the quality of our water. Establishing water tolerance levels for pesticides—and then rigidly enforcing these standards—is an essential step toward this goal. We should emphasize, however, that because very minute quantities of persistent pesticides within water—measured in terms of parts per trillion—cause severe harm to aquatic organisms which concentrate these pesticides within their systems, water quality standards should be based on the pesticide levels found in fish taken from the water, and not on the water itself. Only in this manner can we readily determine when the amount of pesticides in our waters is reaching dangerous levels.

Mr. President, I reiterate my great pleasure in supporting this amendment, and I earnestly hope that not only is it adopted, but that meaningful standards are forthcoming in the very near future.

The PRESIDING OFFICER. The question is on agreeing to the amendment, No. 132, of the Senator from Wisconsin.

The amendment was agreed to.

Mr. MUSKIE. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. BYRD of West Virginia. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. NELSON. Mr. President, I ask unanimous consent to have printed in the RECORD a series of technical studies taken from various scientific and conservation magazines.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Scientific American, March 1967]

TOXIC SUBSTANCES AND ECOLOGICAL CYCLES

(By George M. Woodwell)

The vastness of the earth has fostered a tradition of unconcern about the release of toxic wastes into the environment. Billowing clouds of smoke are diluted to apparent nothingness; discarded chemicals are flushed away in rivers; insecticides "disappear" after they have done their job; even the massive quantities of radioactive debris of nuclear explosives are diluted in the apparently infinite volume of the environment. Such pollutants are indeed diluted to traces—to levels infinitesimal by ordinary standards, measured as parts per billion or less in air, soil and water. Some pollutants do disappear; they are immobilized or decay to harmless substances. Others last, sometimes in toxic form, for long periods. We have learned in recent years that dilution of persistent pollutants even to trace levels detectable only by refined techniques is no guarantee of safety. Nature has ways of concentrating substances that are frequently surprising and occasionally disastrous.

We have had dramatic examples of one of the hazards in the dense smogs that blanket our cities with increasing frequency. What is less widely realized is that there are global, long-term ecological processes that concentrate toxic substances, sometimes hundreds of thousands of times above levels in the environment. These processes include not only patterns of air and water circulation but also a complex series of biological mechanisms. Over the past decade detailed studies of the distribution of both radioactive debris and pesticides have revealed patterns that have surprised even biologists long familiar with the unpredictability of nature.

Major contributions to knowledge of these patterns have come from studies of radioactive fallout. The incident that triggered worldwide interest in large-scale radioactive pollution was the hydrogen-bomb test at Bikini in 1954 known as "Project Bravo." This was the test that inadvertently dropped radioactive fallout on several Pacific islands and on the Japanese fishing vessel *Lucky Dragon*. Several thousand square miles of the Pacific were contaminated with fallout radiation that would have been lethal to man. Japanese and U.S. oceanographic vessels surveying the region found that the radioactive debris had been spread by wind and water, and, more disturbing, it was being passed rapidly along food chains from small plants to small marine organisms that ate them to large animals (including the tuna, a staple of the Japanese diet).

The U.S. Atomic Energy Commission and agencies of other nations, particularly Britain and the U.S.S.R., mounted a large international research program, costing many millions of dollars, to learn the details of the movement of such debris over the earth and to explore its hazards. Although these studies have been focused primarily on radioactive materials, they have produced a great deal of basic information about pollutants in general. The radioactive substances serve as tracers to show the transport and concentration of materials by wind and water and the biological mechanisms that are characteristic of natural communities.

One series of investigations traced the worldwide movement of particles in the air. The tracer in this case was strontium 90, a fission product released into the earth's atmosphere in large quantities by nuclear-bomb tests. Two reports in 1962—one by S. Laurence Kulp and Arthur R. Schulert of Columbia University and the other by a United Nations committee—furnished a detailed picture of the travels of strontium 90. The isotope was concentrated on the ground between the latitudes of 30 and 60 degrees in both hemispheres, but concentrations were five to 10 times greater in the Northern Hemisphere, where most of the bomb tests were conducted.

It is apparently in the middle latitudes that exchanges occur between the air of upper elevations (the stratosphere) and that of lower elevations (the troposphere). The larger tests have injected debris into the stratosphere; there it remains for relatively long periods, being carried back into the troposphere and to the ground in the middle latitudes in late winter or spring. The mean "half-time" of the particles' residence in the stratosphere (that is, the time for half of a given injection to fall out) is from three months to five years, depending on many factors, including the height of the injection, the size of the particles, the latitude of injection and the time of year. Debris injected into the troposphere has a mean half-time of residence ranging from a few days to about a month. Once airborne, the particles may travel rapidly and far. The time for one circuit around the earth in the middle latitudes varies from 25 days to less than 15. (Following two recent bomb tests in China fallout was detected at the Brookhaven National Laboratory on Long Island respectively nine and 14 days after the tests.)

Numerous studies have shown further that precipitation (rain and snowfall) plays an important role in determining where fallout will be deposited. Lyle T. Alexander of the Soil Conservation Service and Edward P. Hardy, Jr., of the AEC found in an extensive study in Clallam County, Washington, that the amount of fallout was directly proportional to the total annual rainfall.

It is reasonable to assume that the findings about the movement and fallout of radioactive debris also apply to other particles of similar size in the air. This conclusion is supported by a recent report by Donald F. Gatz and A. Nelson Dingle of the University of Michigan, who showed that the concentration of pollen in precipitation follows the same pattern as that of radioactive fallout. This observation is particularly meaningful because pollen is not injected into the troposphere by a nuclear explosion; it is picked up in air currents from plants close to the ground. There is little question

that dust and other particles, including small crystals of pesticides, also follow these patterns.

From these and other studies it is clear that various substances released into the air are carried widely around the world and may be deposited in concentrated form far from the original source. Similarly, most bodies of water—especially the oceans—have surface currents that may move materials five to 10 miles a day. Much higher rates, of course, are found in such major oceanic currents as the Gulf Stream. These currents are one more physical mechanism that can distribute pollutants widely over the earth.

The research programs of the AEC and other organizations have explored not only the pathways of air and water transport but also the pathways along which pollutants are distributed in plant and animal communities. In this connection we must examine what we mean by a "community."

Biologists define communities broadly to include all species, not just man. A natural community is an aggregation of a great many different kinds of organisms, all mutually interdependent. The basic conditions for the integration of a community are determined by physical characteristics of the environment such as climate and soil. Thus a sand dune supports one kind of community, a freshwater lake another, a high mountain still another. Within each type of environment there develops a complex of organisms that in the course of evolution becomes a balanced, self-sustaining biological system.

Such a system has a structure of interrelations that endows the entire community with a predictable developmental pattern, called "succession," that leads toward stability and enables the community to make the best use of its physical environment. This entails the development of cycles through which the community as a whole shares certain resources, such as mineral nutrients and energy. For example, there are a number of different inputs of nutrient elements into such a system. The principal input is from the decay of primary minerals in the soil. There are also certain losses, mainly through the leaching of substances into the underlying water table. Ecologists view the cycles in the system as mechanisms that have evolved to conserve the elements essential for the survival of the organisms making up the community.

One of the most important of these cycles is the movement of nutrients and energy from one organism to another along the pathways that are sometimes called food chains. Such chains start with plants, which use the sun's energy to synthesize organic matter; animals eat the plants; other animals eat these herbivores, and carnivores in turn may constitute additional levels feeding on the herbivores and on one another. If the lower orders in the chain are to survive and endure, there must be a feedback of nutrients. This is provided by decay organisms (mainly microorganisms) that break down organic debris into the substances used by plants. It is also obvious that the community will not survive if essential links in the chain are eliminated; therefore the preying of one level on another must be limited.

Ecologists estimate that such a food chain allows the transmission of roughly 10 percent of the energy entering one level to the next level above it, that is, each level can pass on 10 percent of the energy it receives from below without suffering a loss of population that would imperil its survival. The simplest version of a system of this kind takes the form of a pyramid, each successively higher population receiving about a tenth of thhe energy received at the level below it.

Actually nature seldom builds communities with so simple a structure. Almost invariably the energy is not passed along in a neatly ordered chain but is spread about to a great variety of organisms through a sprawling, complex web of pathways. The more mature the community, the more diverse its makeup and the more complicated its web. In a natural ecosystem the network may consist of thousands of pathways.

This complexity is one of the principal factors we must consider in investigating how toxic substances may be distributed and concentrated in living communities. Other important basic factors lie in the nature of the metabolic process. For example, of the energy a population of organisms receives as food, usually less than 50 percent goes into the construction of new tissue, the rest being spent for respiration. This circumstance acts as a concentrating mechanism: a substance not involved in respiration and not excreted efficiently may be concentrated in the tissues twofold or more when passed from one population to another.

Let us consider three types of pathway for toxic substances that involve man as the ultimate consumer. The three examples, based on studies of radioactive substances, illustrate the complexity and variety of pollution problems.

The first and simplest case is that of strontium 90. Similar to calcium in chemical behavior, this element is concentrated in bone. It is a long-lived radioactive isotope and is a hazard because its energetic beta radiation can damage the mechanisms involved in the manufacture of blood cells in the bone marrow. In the long run the irradiation may produce certain types of cancer. The route of strontium 90 from air to man is rather direct: we ingest it in leafy vegetables, which absorbed it from the soil or received it as fallout from the air, or in milk and other dairy products from cows that have fed on contaminated vegetation. Fortunately strontium is not usually concentrated in man's food by an extensive food chain. Since it lodges chiefly in bone, it is not concentrated in passing from animal to animal in the same ways other radioactive substances may be (unless the predator eats bones!).

Quite different is the case of the radioactive isotope cesium 137. This isotope, also a fission product, has a longlived radioactivity (its half-life is about 30 years) and emits penetrating gamma rays. Because it behaves chemically like potassium, an essential constituent of all cells, it becomes widely distributed once it enters the body. Consequently it is passed along to meat-eating animals, and under certain circumstances it can accumulate in a chain of carnivores.

A study in Alaska by Wayne C. Hanson, H. E. Palmer and B. I. Griffin of the AEC's Pacific-Northwest Laboratory showed that the concentration factor for cesium 137 may be two or three for one step in a food chain. The first link of the chain in this case was lichens growing in the Alaskan forest and tundra. The lichens collected cesium 137 from fallout in rain. Certain caribou in Alaska live mainly on lichens during the winter, and caribou meat in turn is the principal diet of Eskimos in the same areas. The investigators found that caribou had accumulated about 15 micromicrocuries of cesium radioactivity per gram of tissue in their bodies. The Eskimos who fed on these caribou had a concentration twice as high (about 30 micromicrocuries per gram of tissue) after eating many pounds of caribou meat in the course of a season. Wolves and foxes that ate caribou sometimes contained three times the concentration in the flesh of the caribou. It is easy to see that in a longer chain, involving not just two animals but several, the concentration of a substance that was not excreted or metabolized could be increased to high levels.

A third case is that of iodine 131, another gamma ray emitter. Again the chain to man is short and simple: The contaminant (from fallout) comes to man mainly through cows' milk, and thus the chain involves only grass, cattle, milk and man. The danger of iodine 131 lies in the fact that iodine is concentrated in the thyroid gland. Although iodine 131 is short-lived (its half-life is only about eight days), its quick and localized concentration in the thyroid can cause damage. For instance, a research team from the Brookhaven National Laboratory headed by Robert Conard has discovered that children on Rongelap Atoll who were exposed to fallout from the 1954 bomb test later developed thyroid nodules.

The investigations of the iodine 131 hazard yielded two lessons that have an important bearing on the problem of pesticides and other toxic substances released in the environment. In the first place we have had a demonstration that the hazard of the toxic substance itself often tends to be underestimated. This was shown to be true of the exposure of the thyroid to radiation. Thyroid tumors were found in children who had been treated years before for enlarged thymus glands with doses of X-rays that had been considered safe. As a result of this discovery and studies of the effects of iodine 131, the Federal Radiation Council in 1961 issued a new guide reducing the permissible limit of exposure to ionizing radiation to less than a tenth of what had previously been accepted. Not the least significant aspect of this lesson is the fact that the toxic effects of such a hazard may not appear until long after the exposure; on Rongelap Atoll 10 years passed before the thyroid abnormalities showed up in the children who had been exposed.

The second lesson is that, even when the pathways are well understood, it is almost impossible to predict just where toxic substances released into the environment will reach dangerous levels. Even in the case of the simple pathway followed by iodine 131 the eventual destination of the substance and its effects on people are complicated by a great many variables: the area of the cow's pasture (the smaller the area, the less fallout the cow will pick up); the amount and timing of rains on the pasture (which on the one hand may bring down fallout but on the other may wash it off the forage); the extent to which the cow is given stored, uncontaminated feed; the amount of iodine the cow secretes in its milk; the amount of milk in the diet of the individual consumer, and so on.

It it is difficult to estimate the nature and extent of the hazards from radioactive fallout, which have been investigated in great detail for more than a decade by an international research program, it must be said that we are in a poor position indeed to estimate the hazards from pesticides. So far the amount of research effort given to the ecological effects of these poisons has been comparatively small, although it is increasing rapidly. Much has been learned, however, about the movement and distribution of pesticides in the environment, thanks in part to the clues supplied by the studies of radioactive fallout.

Our chief tool in the pesticide inquiry is DDT. There are many reasons for focusing on DDT: it is long-lasting, it is now comparatively easy to detect, it is by far the most widely used pesticide and it is toxic to a broad spectrum of animals, including man. Introduced only a quarter-century ago and spectacularly successful during World War II in controlling body lice and therefore typhus, DDT quickly became a universal weapon in agriculture and in public health campaigns against disease-carriers. Not surprisingly, by this time DDT has thoroughly permeated our environment. It is found in the air of cities, in wildlife all over North

America and in remote corners of the earth, even in Adélie penguins and skua gulls (both carnivores) in the Antarctic. It is also found the world over in the fatty tissue of man. It is fair to say that there are probably few populations in the world that are not contaminated to some extent with DDT.

We now have a considerable amount of evidence that DDT is spread over the earth by wind and water in much the same patterns as radioactive fallout. This seems to be true in spite of the fact that DDT is not injected high into the atmosphere by an explosion. When DDT is sprayed in the air, some fraction of it is picked up by air currents as pollen is, circulated through the lower troposphere and deposited on the ground by rainfall. I found in tests in Maine and New Brunswick, where DDT has been sprayed from airplanes to control the spruce budworm in forests, that even in the open, away from trees, about 50 percent of the DDT does not fall to the ground. Instead it is probably dispersed as small crystals in the air. This is true even on days when the air is still and when the low-flying planes release the spray only 50 to 100 feet above treetop level. Other mechanisms besides air movement can carry DDT for great distances around the world. Migrating fish and birds can transport it thousands of miles. So also do oceanic currents. DDT has only a low solubility in water (the upper limit is about one part per billion), but as algae and other organisms in the water absorb the substance in fats, where it is highly soluble, they make room for more DDT to be dissolved into the water. Accordingly water that never contains more than a trace of DDT can continuously transfer it from deposits on the bottom to organisms.

DDT is an extremely stable compound that breaks down very slowly in the environment. Hence with repeated spraying the residues in the soil or water basins accumulate. Working with Frederic T. Martin of the University of Maine, I found that in a New Brunswick forest where spraying had been discontinued in 1958 the DDT content of the soil increased from half a pound per acre to 1.8 pounds per acre in the three years between 1958 and 1961. Apparently the DDT residues were carried to the ground very slowly on foliage and decayed very little. The conclusion is that DDT has a long half-life in the trees and soil of a forest, certainly in the range of tens of years.

Doubtless there are many places in the world where reservoirs of DDT are accumulating. With my colleagues Charles F. Wurster, Jr., and Peter A. Isaacson of the State University of New York at Stony Brook, I recently sampled a marsh along the south shore of Long Island that had been sprayed with DDT for 20 years to control mosquitoes. We found that the DDT residues in the upper layer of mud in this marsh ranged up to 32 pounds per acre!

We learned further that plant and animal life in the area constituted a chain that concentrated the DDT in spectacular fashion. At the lowest level the plankton in the water contained .04 part per million of DDT; minnows contained one part per million, and a carnivorous scavenging bird (a ring-billed gull) contained about 75 parts per million in its tissues (on a whole-body, wetweight basis). Some of the carnivorous animals in this community had concentrated DDT by a factor of more than 1,000 over the organisms at the base of the ladder.

A further tenfold increase in the concentrations along this food web would in all likelihood result in the death of many of the organisms in it. It would then be impossible to discover why they had disappeared. The damage from DDT concentration is particularly serious in the higher carnivores. The mere fact that conspicuous mortality is not observed is no assurance of safety. Comparatively low concentrations may inhibit reproduction and thus cause the species to fade away.

That DDT is a serious ecological hazard was recognized from the beginning of its use. In 1946 Clarence Cottam and Elmer Higgins of the U.S. Fish and Wildlife Service warned in the *Journal of Economic Entomology* that the pesticide was a potential menace to mammals, birds, fishes and other wildlife and that special care should be taken to avoid its application to streams, lakes and coastal bays because of the sensitivity of fishes and crabs. Because of the wide distribution of DDT the effects of the substance on a species of animal can be more damaging than hunting or the elimination of a habitat (through an operation such as dredging marshes). DDT affects the entire species rather than a single population and may well wipe out the species by eliminating reproduction.

Within the past five years, with the development of improved techniques for detecting the presence of pesticide residues in animals and the environment, ecologists have been able to measure the extent of the hazards presented by DDT and other persistent general poisons. The picture that is emerging is not a comforting one. Pesticide residues have now accumulated to levels that are catastrophic for certain animal populations, particularly carnivorous birds. Furthermore, it has been clear for many years that because of their shotgun effect these weapons not only attack the pests but also destroy predators and competitors that normally tend to limit proliferation of the pests. Under exposure to pesticides the pests tend to develop new strains that are resistant to the chemicals. The result is an escalating chemical warfare that is self-defeating and has secondary effects whose costs are only beginning to be measured. One of the costs is wildlife notably carnivous and scavenging birds such as hawks and eagles. There are others: destruction of food webs aggravates pollution problems, particularly in bodies of water that receive mineral nutrients in sewage or in water draining from heavily fertilized agricultural lands. The plant populations, no longer consumed by animals, fall to the bottom to decay anaerobically, producing hydrogen sulfide and other noxious gases, further degrading the environment.

Location	Organism	Tissue	Concentration (parts per million)
United States (Average).	Man	Fat	11.0.
Alaska (Eskimo)			2.8.
England			2.2.
West Germany			2.3.
France			5.2.
Canada			5.3.
Hungary			12.4.
Israel			19.2.
India			12.8-31.0.
United States:			
California	Plankton		5.3.
Do	Bass	Edible Flesh	4-138.
Do	Grebes	Visceral Fat	Up to 1,600.
Montana	Robin	Whole Body	6.8-13.9.
Wisconsin	Crustacea		0.41.
Do	Chub	Whole Body	4.52.
Do	Gull	Brain	20.8.
Missouri	Bald Eagle	Eggs	1.1-5.6.
Connecticut	Osprey	do	6.5.
Florida	Dolphin	Blubber	About 220.
Canada	Woodcock	Whole Body	1.7.
Antarctica	Penguin	Fat	0.015-0.18.
Antarctica	Seal	Fat	0.042-0.12.
Scotland	Eagle	Eggs	1.18.
New Zealand	Trout	Whole Body	0.6-0.8.

Note: DDT residues, which include the derivatives DDO and DDE as well as DDT itself, have apparently entered most food webs. These data were selected from hundreds of report. that show DDT has a worldwide distribution, with the highest concentrations in carnivorous birds.

The accumulation of persistent toxic substances in the ecological cycles of the earth is a problem to which mankind will have to pay increasing attention. It affects many elements of society, not only in the necessity for concern about the disposal of wastes but also in the need for a revolution in pest control. We must learn to use pesticides that have a short half-life in the environment—better yet, to use pest-control techniques that do not require applications of general poisons. What has been learned about the dangers in polluting ecological cycles is ample proof that there is no longer safety in the vastness of the earth.

DDT Residues and Declining Reproduction in Bermuda Petrel

(Abstract. Residues of DDT [1,1,1-trichloro-2,2-bis(p-chlorophenyl)ethane] averaging 6.44 parts per million in eggs and chicks of the carnivorous Bermuda petrel indicate widespread contamination of an oceanic food chain that is remote from applications of DDT. Reproduction by the petrel has declined during the last 10 years at the annual rate of 3.25 percent; if the decline continues, reproduction will fail completely by 1978. Concentrations of residues are similar to those in certain terrestrial carnivorous birds whose productivity is also declining. Various considerations implicate contamination by insecticides as a probable major cause of the decline.)

Many oceanic birds nested on Bermuda in 1609 when the first settlers arrived, the most abundant apparently being the Bermuda petrel, *Pterodroma cahow*. Within 20 years man and his imported mammals virtually exterminated those species; for nearly 300 years it was considered extinct. Several records of specimens since 1900 were followed in 1951 by discovery of a small breeding colony (1), and in 1967 22 pairs nested on a few rocky islets off Bermuda. With a total population of about 100 the petrel is among the world's rarest birds.

A wholly pelagic species, *P. cahow* visits land only to breed, breeds only on Bermuda, and arrives and departs only at night. The single egg is laid underground at the end of a long burrow. When not in the burrow the bird feeds far at sea, mainly on cephalopods; when not breeding it probably ranges over much of the North Atlantic (1).

Reproduction by *P. cahow* has declined recently. The data since 1958 (Table 1) show an annual rate of decline of 3.25 ± 1.05 percent; the negative slope of a weighted regression is significant (P, .015; F test). If this linear decline continues, reproduction will fail completely by 1978, with extinction of the species. Many recent reports have correlated diminished reproduction by certain carnivorous birds with contamination by chlorinated hydrocarbon insecticides (2–7). As the terminal member of a pelagic food chain, presumably feeding over much of the North Atlantic, the petrel may be expected to concentrate by many orders of magnitude any stable, lipid soluble chemicals, such as chlorinated hydrocarbon insecticides, present in lower trophic levels (2, 3, 8). In fact it should serve as an ideal environmental monitor for detection of insecticide contamination as a general oceanic pollutant, rather than contamination resulting directly from treatment of a specific land area (9). When we analyzed several speciments of *P. cahow* for chlorinated hydrocarbon insecticides, all samples contained DDT residues (10).

During March 1967 five unhatched eggs and dead chicks were collected from unsuccessful petrel burrows and stored frozen. The small size of the population precluded the sampling of living birds. Samples were analiyzed for DDT, *o,p*-DDT, DDE, DDD, dieldrin,, and endrin by electron-capture gas chromatographiy; the results are summarized in Table 2. No *o,p*-DDT, dieldrin, or endrin was detected, but an independent laboratory detected a trace of dieldrin.

Certain identifications were confirmed by thin-layer chromatography (*11*) as follows: After Florisil cleanup (*12*), the unknown sample was spotted on a thin-layer plate with 1-μg authentic standard samples on both sides. After development, the unknown was masked by a strip of paper, and the standards were sprayed with chromogenic reagent (*11*). When spots were visible following exposure to ultraviolet light, the masking was removed, horizontal lines were drawn

between the standard spots in order to locate corresponding compounds in the unknown, and these areas were scraped from the plate and extracted with a few drops of a mixture of hexane and acetone (9:1 by volume). Injection into the gas chromatograph confirmed the presence of DDT, DDE, and DDD by showing the appropriate single peaks for these compounds. This confirmation procedure was employed because the electron-capture detector is more sensitive than the chromogenic spray reagent in detecting minute amounts of these materials.

Coincidental with diminishing reproduction by the Bermuda petrel is the presence of DDT residues averaging 6.44 parts per million (ppm) in its eggs and chicks. In itself this coincidence does not establish a causal relation, but these findings must be evaluated in the light of other studies. Whereas a healthy osprey (*Pandion haliaetus*) population produces 2.2 to 2.5 young per nest, a Maryland colony containing DDT residues of 3.0 ppm in its eggs yielded 1.1 young per nest, and a Connecticut colony containing 5.1 ppm produced only 0.5 young per nest; the Connecticut population has declined 30 percent annually for the last 9 years (*4*). In New Brunswick, breeding success of American woodcocks (*Philohela minor*) showed a statistically significant inverse correlation with the quantity of DDT applied to its habitat in a given year. Furthermore, during 1962 and 1963, birds from unsprayed Nova Scotia showed breeding success nearly twice as great as did those from sprayed New Brunswick, where woodcock eggs averaged 1.3 ppm of DDT residues during those years (*5*).

TABLE 1.—REPRODUCTIVE SUCCESS OF THE BERMUDA PETREL BETWEEN 1958 AND 1967 [1]

Year	Pairs	Chicks	Success (percent)
1958	6 (1)	4	66.7
1959	5 (2)	2	40.0
1960	13 (3)	6	46.2
1961	18 (1)	12	66.7
1962	19	9	47.4
1963	17 (1)	9	52.9
1964	17 (1)	8	47.1
1965	20	8	40.0
1966	21	6	28.6
1967	22	8	36.4

[1] Percentages of established adult pairs under observation whose chicks survived 2 weeks after hatching. Numbers of pairs of unknown success (not included in calculations) appear in parentheses. Data from 1961 to 1967 are believed to represent the total breeding population; earlier, not all burrows had been discovered. The decline in reproductive success follows the linear relation $y=a+bx$ (y, reproductive success; a, a constant; b, annual percentage decline in success; x, year). The regression weighted by numbers of pairs: $y=251.9-3.25x$.

In Britain five species of raptors, including the peregrine falcon (*Falco peregrinus*) and golden eagle (*Aquila chrysaetos*), carried residues of chlorinated hydrocarbon insecticides in their eggs, averaging 5.2 ppm; each of these species has shown a decline in reproduction and total population during recent years. By comparison, residues in the eggs of five species of corvids averaged 0.9 ppm, and breeding success and numbers have been maintained (*6*). It is noteworthy that during the last decade the peregrine has become extinct as a breeding bird in the eastern United States (*13*). Residues in bald eagle (*Haliaeetus leucocephalus*) eggs averaged 10.6 ppm, and this species also shows declining reproduction and population (*7*). Lake Michigan herring gulls (*Larus argentatus*), exhibiting very low reproductive success, averaged 120 to 227 ppm of DDT residues in the eggs (*3*), the suggestion being that susceptibility varies widely between species.

In most of the above instances, including *P. cahow*, reduced success in breeding resulted primarily from mortality of chicks before and shortly after hatching. Bobwhites (*Colinus virginianus*) and pheasants (*Phasianus colchicus*), fed sublethal diets of DDT or dieldrin, gave similar results (*14*); a mechanism explaining chick mortality from dieldrin poisoning during the several days after hatching has been presented (*15*).

From studies of these birds and other avian carnivores a very widespread, perhaps worldwide, decline among many species of carnivorous birds is apparent. The pattern of decline is characterized by reduced success in reproduction correlated with the presence of residues of chlorinated hydrocarbon insecticides—primarily DDT. Our data for the Bermuda petrel are entirely consistent with this pattern.

Observations of aggressive behavior, increased nervousness, chipped eggshells, increased egg-breakage, and egg-eating by parent birds of several of the above species (*3, 6, 13*) suggest symptoms of a hormonal disturbance or a calcium deficiency, or both. Moreover, DDT has been shown to delay ovulation and inhibit gonadal development in birds, probably by means of a hormonal mechanism, and low dosages of DDT or dieldrin in the diet of pigeons increased metabolism of steroid sex hormones by hepatic enzymes (*16*). A direct relation between DDT and calcium function has also been demonstrated, and these endocrine and calcium mechanisms could well be interrelated; DDT interferes with normal calcification of the arthropod nerve axon, causing hyperactivity of the nerve and producing symptoms similar to those resulting from calcium deficiency (*17*). Dogs treated with calcium gluconate are very resistant to DDT poisoning (*18*); female birds are more resistant than males (*19*), perhaps because of calcium-mobilizing action of estrogenic hormones.

TABLE 2. RESIDUES OF DDT (10) IN PARTS PER MILLION (WET WEIGHT) IN EGGS AND CHICKS OF THE BERMUDA PETREL, COLLECTED IN BERMUDA IN MARCH 1967; PROPORTIONS OF DDT, DDE, AND DDD ARE EXPRESSED AS PERCENTAGES OF THE TOTAL

Sample	Residues parts per (million)	Percentages DDT	DDE	DDD
A, egg [1]	11.02	[2] 37	[2] 58	[2] 5
A, egg [1 3 4]	10.71	[2] 34	[2] 62	[2] 4
B, addled egg [1]	3.61	15	65	20
C, chick in egg [5]	4.52	33	64	3
D, chick in egg [5]	6.08	33	62	5
D, chick brain [4 5]	.57	30	54	16
E, chick, 1 to 2 days old	6.97	[2] 29	[2] 66	[2] 5
Average	6.44	31	62	7

[1] Egg showed no sign of development.
[2] Identity confirmed by thin-layer chromatography (11).
[3] Analysis 5 months later by Wisconsin Alumni Research Foundation, which also detected dieldrin at 0.02 p.p.m.
[4] Not included in averages.
[5] Fully developed chick died while hatching.

Of major importance, then, was the discovery that a significant ($P<.001$) and widespread decrease in calcium content of eggshells occurred between 1946 and 1950 in the peregrine falcon, golden eagle, and sparrowhawk, *Accipiter nisus* (*20*). This decrease correlates with the widespread introduction of DDT into the environment during those years, and further correlates with the onset of reduced reproduction and of the described symptoms of calcium deficiency. These multiple correlations indicate a high probability that the decline in reproduction of most or all of these birds, including *P. cahow*, is causally related to their contamination by DDT residues.

Other potential causes of the observed decline for the Bermuda petrel appear unlikely. The bird has been strictly protected and isolated since 1957, and it seems that human disturbance can be discounted. In such a small population, inbreeding could become important, but hatching failure is now consistent in pairs having earlier records of successful breeding, and deformed chicks are never observed. Furthermore, the effects of inbreeding would not be expected to increase at a time when the total population, and probably the gene pool, is still increasing. The population increase results from artificial protection since 1957 from other limiting factors, especially competition for nest sites with tropic birds (*21*).

It is very unlikely that the observed DDT residues in *P. cahow* were accumulated from Bermuda: the breeding grounds are confined to a few tiny, isolated, and uninhabited islets never treated with DDT, and the bird's feeding habits are wholly pelagic. Thus the presence of DDT residues in all samples can lead only to the conclusion that this oceanic food chain, presumably including the plankton, is contaminated. This conclusion is supported by reported analyses showing residues in related seabirds including two species of shearwaters from the Pacific (*22*); seabird eggs (*9, 22*); freshwater, estuarine, and coastal plankton (*2, 8, 23*); plankton-feeding organisms (*2, 8, 9, 22, 23*); and other marine animals from various parts of the world (*8, 22*). These toxic chemicals are apparently very widespread within oceanic organisms (*8, 22*), and the evidence suggests that their ecological effects are important.

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The Peregrine Situation in Great Britain 1965–66

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INTRODUCTION

In order to follow latest trends in the breeding population of the British Peregrine (*Falco peregrinus*), a sample census was continued in 1965 and 1966 on a scale similar to that of 1963–64. This paper summarises the results, and gives data on chemical analysis of the small samples of eggs taken during these two years.

CENSUS DATA

Observations on 200 territories in 1965 and 213 territories in 1966 (representing 240 different territories of the two-year period) are given in Table I, according to the six different regions of Great Britain recognised previously (Ratcliffe 1963). This sample is approximately one-third of the mean annual total of 650 territories estimated to be occupied regularly in Great Britain during the standard period 1930–39, or just under one-third of the total of 718 territories occupied at least once since 1930. Census data for 1961–64 are given for comparison. However, because of a bias against visiting previously deserted territories and reporting negative observations during the period 1963–66, the figures for these years are not directly comparable with those for 1961–62, and a correction has to be made (see Table I).

It is evident that there has been no appreciable change in level of breeding population since 1964, for although only 41 successful eyries were known in 1966, against 45 in 1965, this is not a significant difference. The data certainly give no hint of overall improvement in the Peregrine situation during the last two years. Few records for the mainland of the North and West Highlands are available for 1965–66, and most of the data referring to this region are for Orkney and Shetland. It is clear that parts of the South and East Highlands are still the stronghold of the Peregrine in Britain, and breeding success has remained good in this region; but even here, a quarter of the inspected territories held apparently nonbreeding birds in 1966. In England and Wales together, successful breeding was limited to ten pairs in 1965 and seven pairs in 1966, and at least four-fifths of the territories visited were unoccupied in both years.

When the figures for 1965–66 are compared with those for 1963–64, the proportion of deserted territories is seen to have been fairly constant throughout, i.e. about 60 percent of the number of known territories visited, when correction for observation/recording bias has been made. Regarding breeding success, it should be noted that in 1965 and 1966 there were, respectively, 17 and 12 eyries where eggs were probably or certainly laid, but which were not re-visited to determine the final outcome; whereas in 1963 and 1964 there were only 4 and 3 such eyries. As the other data suggest that at least half the 'outcome unknown' eyries would be successful, the figures for successful nesting in the 1965–66 census samples would almost certainly be higher than those given in Table I. Even so, it is doubtful if there is valid evidence for a significant change in breeding success during the whole four-year period 1963–66; this has fluctuated from about 13 to 16 per cent of the number of known territories visited. There may have been a slight recovery in 1964 after the low ebb of 1963, but the figures may indicate merely the normal fluctuation of a population which has become relatively stabilised at a much reduced level; while, in any case, there is likely to be a degree of sampling and observational error.

TABLE 1.—OCCUPATION OF PEREGRINE TERRITORIES, 1963–66

Year and region	Number of territories examined	Birds apparently absent	1 or both of the pair present but not proved to nest	Nesting, outcome unknown	Nested, but unsuccessfully (eggs or young lost)	Successful nesting (young reared)
1961: Total for Great Britain	431	173	118	17	41	91 (9)
1962: Total for Great Britain	488	247	119	22	35	77 (9)
1963: Total for Great Britain	200	110	34	4	13	39 (0)
1964: Total for Great Britain	203	109	28	3	15	48 (0)
1965:						
Southern England	42	40		1		1
Wales	34	26	6			2
Northern England	30	17	2		4	7
Southern Scotland	31	12	3	3	5	8
South and East Highlands	47	4	8	7	4	24
North and West Highlands	36	18	6	6	3	3
Total for Great Britain	220	117	25	17	16	45 (1)
1966:						
Southern England	42	40				2
Wales	40	34	3	1		2
Northern England	24	13	4	1	3	3
Southern Scotland	32	11	6	2	4	9
South and East Highlands	44	7	11	1	2	23
North and West Highlands	31	12	5	7	5	2
Total for Great Britain	213	117	29	12	14	41 (3)

Notes: To make approximate correction for comparison with 1961–62, the figures for 1963–66 regarding "birds apparently absent" should be increased by ⅓, and those for "successful nesting" should be reduced by ⅓. These factors are derived as follows: The sample of eyries visited in each of the years 1963–66 is similarly biased (toward territories likely to give positive rather than negative records) by comparison with the much larger sample for 1961–62, and many eyries visited with negative results have evidently not been reported to me. If the 1962 data are subsampled to give a list of those eyries which were acutally visited during 1963–66, simple calculation gives values of 44 percent for territory desertion and 24 percent for successful breeding pairs. The figures calculated from the full 1962 data are, however, 50 and 16 percent respectively, i.e. approximately ⅓ more for territory desertion and ⅓ less for successful pairs. As the samples for 1961 and 1962 were closely comparable, the above correction factors apply also to 1961.

Actual breeding success for 1961 and 1962 is 19 and 13 percent, respectively, when broods taken by falconers are regarded as failures (as in Ratcliffe 1963), but to show more accurately the proportion of healthy broods potentially able to fledge, those taken by falconers have been included and give breeding success as a theoretical 21 and 16 percent. Broods taken by falconers (illegally after 1961) are bracketed alongside the totals.

By comparison with the fuller data for 1961–62, it would seem that the rapid decline of those years continued into 1963, but that the population then leveled off, and, at most, has since shown marginal improvement in breeding success alone. On the other hand, when data for each region are examined separately, the population of Southern Scotland has shown evident improvement in breeding success since 1963; in 1963, only 3 out of 19 inland territories visited had successful pairs, whereas in 1966, 8 out of 24 reared young. M. Gilbertson (pers. comm.) also reports an apparent improvement in Northern Ireland, where a total of only 5 young was reared in 14 territories examined in 1964, compared with a total of 11 young in 16 territories in 1966. These are the regions closest to the Scottish Highlands, and therefore the ones in which any recovery of the Peregrine population might be expected to show first.

PESTICIDE RESIDUES

Although only 12 Peregrine eggs have been analysed (by gas-liquid chromatography) for organo-chlorine pesticide residues in 1965–66, the results (Table II) are revealing. Despite the higher levels, compared with 1963–64, the sample is too small for the data to be regarded as valid evidence of an increase in contamination. However, the figures suggest that the voluntary restrictions on use of aldrin, dieldrin and heptachlor, in 1964, have (up to the spring of 1966) had no effect in reducing the contamination of the British Peregrine by residues of these pesticides. The figures for heptachlor in particular indicate that, despite statements to the contrary, there was still a considerable local use of this chemical during 1965–66.

Whilst only 5 egg analyses are available yet for the central part of the South and East Highlands, they show an appreciably lower mean level of contamination than the 22 eggs from Northern England and Southern Scotland, though the difference lies largely in the DDE component of the residues. This matches the differences between the first region and the second two in regard to both state of the population and breeding success; and it supports the earlier contention (Ratcliffe 1963, 1965) that contamination risk to the Peregrine is lower in the South and East Highlands than in most other parts of the British Isles. Even within the 5 Highland eggs there are suggestive differences; the two from Angus (within Peregine reach of rich arable

farm land) contain appreciably higher residues of DDE, dieldrin and heptachlor expoxide than those from the three Inverness-shire eyries, which were all remote from agricultural land.

The egg analyses for 1963–64 showed no difference between those from eyries which failed and those which produced flying young from the remaining eggs (Ratcliffe 1965). Now that more data are available, a slight difference shows when all egg analyses are thus separated; the figures are (total organochlorine residues) 17.4 p.p.m. for eggs from failed eyries and 12.7 p.p.m. for eggs from successful eyries. The difference is not statistically significant but it is suggestive.

In 1966, two eggs were examined for residues of mercury; one was blank (Table IIB, 1966/1) but the other (Table IIB, 1966/3) contained 0.3 p.p.m.

BREEDING SUCCESS, BROOD SIZE AND REPLACEMENT OF LOSSES

Of the 30 eyries which failed in 1965–66, egg breakage or disappearance of eggs (usually one by one and apparently due to parental destruction) was the cause of failure in 26. Mean brood size in successful eyries has continued to be low in regions south of the Highlands (average of 1.8 young for 24 known broods) and normal in the South and East Highlands (average of 2.5 young for 28 known broods).

I have recently been provided with data collected by the late W. C. Lawrie at a regular Lakeland eyrie between 1910 and 1939. The history is incomplete, but the following records are available of all successful nestings in which the brood-size was definitely known:

1913, 3 young	1927, 4 young
1914, 3 young	1928, 1 young
1920, 3 young	1930, 4 young
1922, 3 young	1931, 3 young
1924, 4 young	1936, 4 young
1925, 2 young	1939, 4 young
1926, 4 young	

The mean of these 13 broods was 3.2 young, an appreciably higher figuer than the national pre-war average of 2.5 young. Unspecified broods were also reared in several other years and there are in existence several clutches of eggs taken from this locality during the same period. The haunt was never known to be deserted between 1910 and 1939, and the only cause of breeding failure was egg collecting, apart from one year in which the birds deserted after being kept off the nest for many hours. At least two different females were involved during this period.

The recent history of occupation at this same haunt is as follows:—

1961 3 eggs; two were later broken, the third hatched but the chick died.

1962 3 eggs; all disappeared later, evidently through parental destruction.

1963 3 eggs; one taken fresh for chemical analysis (Table IIB, 1963, No. 3), the other two hatched; one chick died and the other fledged.

1964 3 eggs; only one chick hatched and it later died.

1965 3 eggs; one broken later, one bad (Table IIB, 1965, No. 4) and the third hatched; the single chick fledged.

1966 No trace of the birds.

TABLE II.—ORGANO-CHLORINE RESIDUES IN PEREGRINE EGGS

A. CENTRAL SCOTTISH HIGHLANDS

Year	No.	County	pp DDE	pp TDE	pp DDT	Dieldrin	Heptachlor epoxide	BHC isomers	Total o/c residues
1963	[1] 1	Inverness	6.9			0.5	0.2	([2])	7.6
	[1] 2	Angus	5.4	0.6	0.8	.6	1.9	0.2	9.5
1966	[1] 1	Inverness	3.6		([2])	.1	([2])		3.7
	[1] 1	do	2.8		.1	.3	([2])		3.2
	[1] 3	Angus	7.8	.1	([2])	1.6	1.2		10.7
Mean			5.3	.1	.2	.6	.7	[3].1	6.9

B. NORTHERN ENGLAND AND SOUTHERN SCOTLAND

1963	[4] 1	Westmorland	15.8		0.4	0.7	2.9	0.2	20.0
	[4] 2	Cumberland	10.0			.4	.7	.1	11.2
	[4] 3	do.[5]	30.8			1.1	4.1	.1	36.1
	[4] 4	Dumfries [5]	2.6		.1	.1	.1	([2])	2.9
	[4] 5	Peebles	4.4		.1	.4	.6	([2])	5.5
	[4] 6	do.[5]	21.2		.1	.5	.6	.2	22.6
	[4] 7	do.[5]	23.2			.3	.5	.1	24.1
	[4] 8	Kirkcudbright	14.1			.7	.4	.1	15.3
	[4] 9	do	9.0		.1	.1	.4	.2	9.8
Mean for 1963			14.6		.1	.5	1.1	.1	16.4
1964	[4] 1	Dumfries [5]	4.7	([2])	([2])	1.3	.2	.6	6.8
	[4] 2	do	7.3			1.8	.7	.8	10.6
	[4] 3	Kirkcudbright [5]	10.8	0.5	.5	.1	.1	.5	12.5
	[4] 4	Peebles	12.0			.8	.4	.1	13.3
Mean for 1964			8.7	.1	.1	1.0	.4	.5	10.8
1965	[4] 1	Kirkcudbright [5]	22.3	.2	.3	.5	4.3	.4	28..0
	[4] 2	Dumfries [5]	10.2	.2	.2	.5	.2	.2	11.5
	[4] 3	Peebles	18.1	.1	.7	.5	.2	.2	19.8
	[4] 4	Cumberland [5]	25.0			.6	.8	.1	26.5
	[4] 5	Westmorland	24.0			.8	1.0		25.8
Mean for 1965			19.9	.1	.2	.6	1.3	.2	22.3
1966	[4] 1	Kirkcudbright [5]	22.0	.2	.2	.3	1.0		23.7
	[4] 2	do	22.0			.6	1.0		23.6
	[4] 3	do	13.0		.1	.2	.1		13.4
	[4] 4	Westmorland	23.0	([2])		.6	.5	2.8	28.9
Mean for 1966			20.0	.1	.1	.9	.7	.7	22.5
Overall mean			15.7	.1	.1	.7	.9	.3	17.8

[1] Successful eyrie; at least 1 young reared from remaining eggs.
[2] Trace.
[3] Less than figure shown.
[4] Unsuccessful eyrie; remaining eggs broken or failed to hatch.
[5] Same female for the same locality.

While the two eggs containing total organo-chlorine residues of 36 and 27 p.p.m. (dieldrin+heptachlor epoxide 5.2 and 1.4 p.p.m.) were from clutches from which single young were fledged, this level of contamination was associated with a marked reduction in brood size, compared with pre-war years. This haunt was one of only five (out of 30) once regularly occupied territories in Northern England which were continuously occupied throughout the period 1960–65; and 1966 was the first year since 1910 when Peregrines were absent. Probably the same female occupied the haunt from 1961 to 1965, but it was a diffrent bird from that present in 1939.

The summarised figures in Table I conceal the details of change occurring within a population which as a whole remains stable. For instance, in Southern Scotland, 27 territories were visited in both 1965 and 1966, and 16 were found occupied in each year, but only 13 were occupied in *both* years. Since 1960, it is usual for this region and Northern England to show small gains and losses in any year, by comparison with the preceding and succeding years, so that fresh gaps are still appearing as old ones are filled.

The output of young Peregrines annually from the whole of the Scottish Highlands would seem adequate to allow a slow recovery, at least in occupation of territories, and it is perhaps surprising that even in this region, about 47 per cent of territories visited remained deserted or held by non-breeders in 1966. However, the annual surplus has also to fill gaps caused by mortality amongst the established breeding population, and when birds move away from their birthplace to depleted areas, they are themselves increasingly exposed to pesticidal contamination, with the implication of increased risks of mortality and breeding failure. As not all Peregrines are likely to reach sexual maturity at one year old, many probably pass their juvenile stage in country away from breeding haunts and may then be more at risk, as regards pesticides, than if they were able to occupy a nesting place in their first year.

Walpole-Bond (1914) noted that a barren female Peregrine refused to mate or to allow a prospecting pair to settle on her breeding cliffs, but after she was shot, a new pair soon appeared and nested. It could be that many of the non-breeding Peregrines recently holding territories also defend them against potential breeders which arrive from other areas. Cade (1960) has suggested that the tenacity with which Peregrine eyries are usually held over a long period depends on the survival at all times of one bird of the occupying pair, and that when both of the pair die simultaneously, continuity is lost and the haunt may then be left deserted for a period. Many Peregrine breeding haunts south of the Highlands seem to have been totally deserted for several years, and this loss of continuity may be an additional fac-

tor working against their re-occupation. Even so, rate of re-occupation of totally deserted haunts in Southern England was fairly rapid after intensive human 'control' ceased in 1945. The continued failure of the Peregrine to restore its previous breeding numbers is most likely to be explained by lack of improvement in the adverse factor which originally depleted the areas concerned.

CONCLUSIONS

The continued investigations of 1965–66 reinforce earlier conclusions (Ratcliffe 1963, 1965) that the persistent organo-chlorine pesticide residues have been a causal factor in the post-1955 decline of the Peregrine in Britain. In view of the evident maintenance of contamination levels in the environment, it is not surprising that the breeding population has shown no clear tendency towards recovery. Moreover, there would seem to be no sign of general resistance to these chemicals developing in this species.

SUMMARY

A sample census of about one-third of the Peregrine breeding population of Great Britain in 1965 and 1966 indicates that there has been no significant change in proportion of occupied territories or breeding success of remaining birds during this period.

Comparison with earlier data suggests that the Peregrine decline ceased after 1963, and that the population has since remained relatively stable, with occupied territories at about 40 per cent of the pre-war level and breeding success (pairs rearing young) varying between about 13 and 16 per cent of the maximum possible level (former mean annual number of pairs). Breeding success may have improved marginally after 1963 on the national scale, and more significantly in Southern Scotland and Northern Ireland.

The geographical pattern is unchanged, with population level, breeding success and brood size lowest in England and Wales, and highest in the South and East Highlands of Scotland.

Analysis of Peregrine eggs gives no evidence of a decrease in contamination by any organo-chlorine residue since 1964. Eggs from Northern England and Southern Scotland were more heavily contaminated than those from the South and East Highlands during the period 1963–66, though the difference lies mainly in the DDE component.

Failure of young Peregrines from successful eyries to build up the breeding population of depleted areas is probably a reflection primarily on the lack of improvement in the adverse factor which initiated decline.

ADDENDUM

Since this account was written, preliminary data for 1967 have become available. They indicate a slight recovery of population, in both occupation of territories and breeding success, in the east and central Scottish Highlands, Northern England and Northern Ireland. In the southwest Highlands and Southern Scotland, breeding success was lower than in 1966, but there was no decrease in number of occupied territories. Analysis of ten eggs in 1967 shows a decrease in organo-chlorine residue levels, especially of dieldrin and heptachlor epoxide, compared with 1956–66, and also confirms that residue levels are significantly lower in the Central Highlands than in other regions of the south. Slight recovery of the population in more northerly regions is thus consistent with a decrease in environmental contamination, at least in these more marginal arable farming districts, which were least affected by the original population decline.

It has recently been shown (Ratcliffe 1967) that the post-war prevalence of egg breaking in the British Peregrine correlates closely with a widespread decrease in eggshell weight/size ratio (i.e. probably thickness) which appeared in 1947 and has persisted ever since, except in some parts of the Central Highlands. The connections between these phenomena, and their possible relationships to contamination of the species by organo-chlorine residue, are being examined.

Problems With DDT in Fish Cultural Operations

(J. P. Cuerrier, J. A. Keith, and E. Stone)

ABSTRACT

Various concentrations of DDT and residues have been detected in eggs and fry of speckled, rainbow, and cutthroat trout obtained from local sources and from commercial suppliers and handled at the Maligne River Trout Hatchery, Jasper National Park, Alberta. Concentrations of DDT and metabolites exceeding 400 ppb in eggs resulted in a 30 to 90 per cent mortality among the fry 60 fingerlings during the days following the swim-up stage. All commercial dry feeds analysed contained DDT. Among ingredients used in the manufacturing of trout feeds, only brewer yeast was found almost free of contamination.

INTRODUCTION

Because of the very wide distribution of DDT, it would seem that all forms of life are being exposed, directly or indirectly, to this chemical insecticide. Extensive research has been done on the toxicity of DDT to insects, the primary target, but comparatively little is known of the effects of secondary contamination of animals, particularly during the very early stages of development. The purpose of this paper is to present data on DDT contamination of trout in fish hatcheries.

Mack and co-workers (1964) found DDT concentrations in whole fish ranging from 0.2 to 7 ppm; certain tissues or organs contained up to 40 ppm. Burdick and co-workers (1964) found as much as 500 ppm of DDT by weight in ether-extracted oils from lake trout eggs taken from Lake George, New York State. They found that 90 per cent of lake trout eggs containing 2.95 ppm of DDT and above died at the fry stage. With landlocked salmon at Sebago Lake, Maine, Anderson and Everhart (1966) found that ovaries of three-year-old salmon contained 0.87 ppm of DDT, while ovaries of older salmon showed 6.0 ppm of DDT.

Mortality at the yolk-sac stage of lake trout in George Lake and other waters in the State of New York, and of the landlocked salmon in Sebago Lake, has been ascribed to DDT contamination.

For many years, gill diseases were thought to cause mortality at different stages of development of the various trout species raised at the Maligne River Trout Hatchery, Jasper National Park, Alberta. Recent investigations by the Pathology Section of the Canadian Wildlife Service, with the co-operation of the U.S. Bureau of Sport Fisheries and Wildlife, have revealed the occurrence of such diseases as "cold-water disease", infectious pancreatic necrosis, and "kidney disease", in addition to gill diseases. Mortality has also been caused by dissolved copper and zinc from pipes and valves in the hatchery. In spite of these hazards and the Damocles' sword ever present in fish culture operations, in 1966 the Maligne River Hatchery produced more than one and one-half million trout of various species and sizes for plantings in the Mountain Park waters.

However, some mortality could not be explained by viral or bacterial infections and DDT contamination was suspected. Samples of eggs, alevins, and commercial dry feeds were analysed. All analyses were performed under contract by Dr. D. J. Ecobichon, Pharmacology Division, University of Guelph, using electron capture gas chromatography and the extraction procedure of Saschenbrecker and Ecobichon (1967).

TROUT EGGS AND ALEVINS

Trout eggs handled at the Maligne River Trout Hatchery come from various sources: (a) local collections from wild stocks originating from annual hatchery plantings; (b) local collections from domestic stocks held at the hatchery; (c) commercial suppliers located in the United States; and (d) provincial and federal fisheries agencies. Table 1 presents data on DDT and metabolite levels found in eggs and alevins of various species of trout.

In view of the preliminary and exploratory nature of this report, no attempt is being made to establish a relationship between the levels of each type of residue found in the various samples. However, in samples with levels of total DDT and residues below 200 ppb, residues of DDT and metabolites appear in the following order: the lowest levels are of *o,p'*-DDT, followed by DDD, *p,p,'*-DDT, and DDE. DDE was the major component, with about twice as much of it as of the other residues combined.

TABLE 1—DDT AND METABOLITES IN PARTS PER 10^9 (PPB) WET WEIGHT IN EGGS AND FRY OF VARIOUS SPECIES OF TROUT

Sample catalog	Description [1]	Concentration in parts per 10^9, ppb, wet weight					Losses [2] (percent)
		DDE	o,p'-DDT	DDD	p,p'-DDT	Total	
B-477	RT eggs, wild, Jasper	65	8	23	25	123	—15
B-479	RT eggs, commercial	57	19	28	44	148	
B-480	RT eggs, commercial	63	29	33	53	178	
B-726	RT eggs, commercial	79	[3]	[3]	[3]	79	
B-727	RT eggs, commercial	129	[3]	26	21	176	—15
B-728	RT eggs, commercial	46	[3]	11	7	64	
B-729	RT eggs, commercial	62	[3]	6	[4]	68	
B-730	Cutth. T. eggs, domestic	166	[4]	378	23	567	30
B-420	EBT domestic, fry	333	[redacted]	[3]	87	464	70
B-417	RT f.sp., yolk fry	1,022	54	294	52	1,422	90
B-418	RT f.sp., yolk fry	971	[4]	178	[4]	1,149	[redacted]
B-478	EBT fry, domestic	217	16	51	201	485	90

[1] Abbreviations: RT equals rainbow trout; f.sp. equals fall spawning; EBT equals eastern brook or speckled trout; Cutth. T. equal cutthroat trout.
[2] Losses during the 2-month period following the swim-up stage.
[3] Indicates undetected, the limit of detection being 1 ppb.
[4] Indicates traces in the range of 1 to 5 ppb.

Eggs collected from wild rainbow trout in Lake Edith, Jasper National Park, where annual plantings are carried out, showed a total level of 123 ppb of DDT and metabolites. Losses during the 60 days following the swim-up stage were less than 15 per cent. Spring-spawning rainbow trout eggs from commercial sources contained levels ranging from 64 ppb to 178 ppb. Losses in alevins from these eggs were less than 15 per cent during the 60 days following the swim-up stage. Losses of this magnitude are considered normal for that stage. However, cutthroat trout fry resulting from eggs purchased from a commercial supplier showed a total concentration of 567 ppb of DDT and metabolites; losses were about 30 percent.

Eastern brook trout fry resulting from eggs extracted from a domestic brood stock held at the Jasper Hatchery had a mortality of 70

per cent. The total level of DDT and metabolites was 464 ppb.

Rainbow trout yolk-sac fry from an autumn-spawning strain obtained from a commercial supplier contained 996 ppb of DDT and 236 ppd of DDD for a total of 1,285 ppb of DDT and metabolites. Losses amounted to close to 90 per cent in the two-month period which followed the swim-up stage. Similar heavy losses were experienced with brook trout fry resulting from eggs obtained from a domestic brood stock held by a government agency. The concentration of total DDT and metabolites was 485 ppb, mostly DDE and *p,p'*-DDT.

The fish with high levels of mortality were not exposed to disease more than the others, but during the period of this study, mortality above 25 per cent seemed to be associated with comparatively high levels of DDT and its metabolites. Therefore, we conclude that insecticide residues were responsible for this high mortality. In their paper on chronic effects of DDT on cutthroat trout, Allison and coworkers (1964) stated that "there was a critical period shortly after hatching when mortality was noticeably higher in offspring of the high-dosage lots".

The relationship between mortality, level of DDT contamination of the eggs, and temperature of the water during yolk-sac absorption is under experimental study. Incubation and hatching during the winter and spring seasons at the Maligne River Trout Hatchery take place at a water temperature of 40° F. Brook trout fry and alevins which experienced a 90 per cent mortality at our Maligne River Trout Hatchey had less than 15 per cent mortality at the hatchery where the eggs came from. At that establishment, incubation of trout eggs is carried out at a water temperature ranging from 32° F. to 36° F.

COMMERCIAL TROUT DRY FEEDS

Fry are fed with commercial dry feeds after reaching the advanced swimup stage. Samples of dry feeds were analyzed. Results are presented in Table 2 but for obvious reasons, brand names and sources are not given. Analyses revealed the presence of DDT in all samples, with levels ranging from 2 ppb to 234 ppb. One sample also contained 17 ppb of dieldrin.

TABLE 2.—DDT AND METABOLITES IN PARTS PER 10^9 (ppb) WET WEIGHT IN MANUFACTURED DRY FEEDS FOR TROUT

Sample catalog number	Concentrations in parts per 10^9, ppb				
	DDE	o,p'-DDT	DDD	p,p'-DDT	Total
473-476	104	27	38	65	234
483-476	45	19	42	54	160
491-493	45	35	38	78	196
B-1348	71	(1)	33	46	150
B-1349 [2]	59	(1)	20	28	107
B-1351	75	(1)	67	54	196
B-1352	56	(1)	47	39	132
B-1456	44	(1)	96	74	214
B-407	2	(1)	(1)	2	4
B-408	2	(1)	(1)	2	4
B-490	16	(3)	(3)	(3)	16
B-723	19	(3)	26	9	54
B-724	33	50	67	238	388
B-1166	125	126	249	157	657
B-1456	44	(1)	96	74	214
B-146	60	(1)	67	24	151

[1] Indicates undetected, the limit of detection being 1 ppb.
[2] This feed also contained 17 ppb dieldrin.
[3] Indicates traces in the range of 1 to 5 ppb.

Presence of metabolites, from low to high levels, is as follows: *o,p'*-DDT, DDD, *p,p'*-DDT, and DDE. This same order was observed with the samples of rainbow trout eggs with low levels of DDT and metabolites. Some ingredients utilized in the manufacturing of dry feeds were analysed for DDT residues. Data obtained indicated that of all the ingredients examined, only brewers' yeast contained residues no higher than 5 ppb; soybean meal and fish meal contained less than 100 ppb.

CONCLUSION

Various levels of DDT and residues have been found in brook, rainbow, and cutthroat trout handled at the Maligne River Trout Hatchery in Jasper National Park. When levels of DDT and metabolites exceeded 400 ppb in eggs, mortality in the resulting fry ranged from 30 per cent to 90 per cent in the 60-day period following the swim-up stage. All commercial dry trout feeds analysed were found to contain chlorinated hydrocarbons. Of several ingredients used, only brewer's yeast was found to be almost free of contamination.

From operational observations, it would seem that DDT in manufactured trout food is detrimental to the growth of trout raised under hatchery conditions, when DDT and metabolites in the eggs and fry exceed certain levels.

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CHLORINATED HYDROCARBONS AND EGGSHELL CHANGES IN RAPTORIAL AND FISH-EATING BIRDS

(Abstract. Catastrophic declines of three raptorial species in the United States have been accompanied by decreases in eggshell thickness that began in 1947, have amounted to 19 percent or more, and were identical to phenomena reported in Britain. In 1967, shell thickness in herring gull eggs from five states decreased with increases in chlorinated hydrocarbon residues.)

New perspectives on the role of chlorinated hydrocarbon insecticides in our environment have come into focus in recent years. Successive discoveries have demonstrated that these compounds are systematically concentrated in the upper trophic layers of animal pyramids (1). Raptorial bird populations have simultaneously suffered severe population crashes in the United States and Western Europe (2, 3, 4). These involve reproductive failures which, at least in Britain, are characterized by changes in calcium metabolism and by a decrease in eggshell thickness resulting in the parent birds' breaking and eating their own eggs (4, 5, 6). Such a derangement of calcium metabolism or mobilization perhaps could result from breakdown of steroids by hepatic microsomal enzymes induced by exposure to low dietary levels of chlorinated hydrocarbons (7).

We have examined the possibility that the eggshell changes reported in Britain (6) have also occurred in the United States and that the raptor population crashes in Europe and North America may have had a common physiological mechanism. The population changes are without parallel in the recent history of bird populations (8). They include the pending extirpation of the peregrine falcon (*Falco peregrinus*) in northwestern Europe, the complete extripation of the nesting population of this species in the eastern half of the United States, and simultaneous declines among other bird- and fish-eating raptors on both sides of the Atlantic.

We examined 1729 blown eggs in 39 museum and private collections. Shells were weighed to the nearest hundredth of a gram. In 29 percent of these, we were able to insert a micrometer through the hole drilled by the collector at the girth of the shell and to take four measurements of thickness 7 mm from the edge of the blow hole; these were then averaged to the nearest 0.01 mm for each shell. Thickness in each case then represented the shell itself plus the dried egg membranes. Peregrine falcons, bald eagles (*Haliaeetus leucocephalus*), and ospreys (*Pandion haliaetus*) were selected as having one or more regionally declining populations; golden eagles (*Aquila chrysaeetos*), red-tailed hawks (*Buteo jamaicensis*), and great horned owls (*Bubo virginianus*) were selected as representative of reasonably stationary populations that may be slowly declining as their habitats are gradually destroyed by man, but for which widespread reproductive failures are currently unknown. In addition, 57 eggs of the herring gull (*Larus argentatus*) were collected from five colonies in 1967. The shells of these were dried at room temperature for 4 months before being measured, and residues of the entire egg contents were analyzed by the Wisconsin Alumni Research Foundation for chlorinated hydrocarbons but not for polychlorinated biphenyls. Analytical procedure followed that outlined by the U.S. Food and Drug Administration (9). Analyses were conducted on a gas chromatograph (Barber Coleman, model GC 5000, and Jarrell-Ash, model 28–700) with electron-capture detectors. The glass column (0.6 cm by 1.2 m) was packed with 5 percent DC 200 (12,500) on Cromport XXX. The column temperature was 210°C, and the nitrogen flow rate was 75 cm^3/min. Each portion of the ground and dried samples was extracted for 8 hours or more in a Soxhlet apparatus with a mixture of ether and petroleum ether (70:170). Portions of the extracts were further purified by putting them through a Florisil column.

TABLE 1.—WEIGHTS OF RAPTOR EGGSHELLS IN MUSEUM AND PRIVATE COLLECTIONS

Region	Period	Number	Weight (g) Mean±S.E.[2]	Change (percent)	Population trend (or reproduction)
Red-tailed hawk: California (23)[1]	1885–1937	386	6.32±0.032		
	1943–44	6	6.09±0.237	−3.6	Stationary.
	1953–67	8	6.49±0.214	+2.7	Do.
Golden eagle: California (23)	1889–1939	278	13.03±0.083		
	1940–46	28	12.70±0.161	−2.5	Do.
	1947–65	33	13.41±0.232	+2.9	Do.
Bald eagle (24a):					
Brevard County, Fla	1886–1939	56	12.15±0.127		
	1947–62	12	9.96±0.280	−18.0	Declining.
Osceola County, Fla	1901–44	25	12.32±0.240		
	1959–62	8	9.88±0.140	−19.8	Do.
Osprey (24b):					
Maryland-Virginia	1890–1938	152	7.05±0.054		
	1940–46	21	6.91±0.164	−2.0	Stationary.
	1955	3	6.85	−2.8	Do.
New Jersey	1880–1938	117	7.08±0.069		Do.
	1957	6	5.30±0.446	−25.1	Declining.
Peregrine (25):					
British Columbia	1915–37	29	4.24±0.061		
	1947–53	15	4.18±0.081	−1.4	Stationary.
California (23)	1895–1939	235	4.20±0.031		
	1940–46	49	4.07±0.038	−3.1	No data.
	1947–52	31	3.41±0.084	−18.8	Declining.
New Hampshire to New Jersey [3]	1888–1932	56	4.38±0.034		
Vermont	1946	3	4.30	−1.8	Stationary.
Massachusetts	1947	3	3.47	−20.8	Extirpated.
New Jersey	1950	3	3.24	−26.0	Do.
Great horned owl:					
California (23)	1886–1936	154	4.50±0.033		
	1948–50	12	4.62±0.119	+2.4	Stationary.

[1] Citations (23–25) refer to the data for the population trend.
[2] S.E., standard error of the mean.
[3] Including Vermont and Massachusetts.

In California, where the peregrine falcon population is in "a serious condition" (*10*), a change of 18.8 percent in shell weight occurred from 1947 to 1952. Ratcliffe (*6*) found a corresponding decrease of 18.9 percent in Britain. The change in California involved a decrease in shell thickness and had no precedent in the previous 57-year recorded history of the peregrine in that state (Fig. 1). In the eastern United States, where the nesting population of peregrines has now been wiped out (*3*), fragmentary data indicate that the same change took place (Table 1). Broken eggshells in a North American peregrine eyrie were observed for the first time in 1947 by J. A. Hagar 60 miles (6.9 km) from the Massachusetts eyrie cited in this table (*11*). They were next inferred in Quebec in 1948 when egg-eating was observed at the same site in 1949 (*12*), and were observed in Pennsylvania in 1949 and 1950 (*13*). Chlorinated hydrocarbon data for this now-extinct regional population are completely absent. For nine surviving adult peregrines in Canada's Northwest Territories in 1966, the data are reported to have averaged 369 parts per million (ppm) (fresh weight) in fat (*14*). For four adults in another migratory population in northern Alaska, values were even higher (*15*).

For the five other raptorial species we have studied, the data do not permit a precise delineation of the onset of the change in calcium metabolism or mobilization, but the decrease (Table 1) in shell weight (and hence thickness) has involved only declining populations and not stationary ones. Change in shell thickness occurs in poultry as a result of dietary deficiencies and age (*16, 17*). This phenomenon would probably not occur simultaneously on two continents 1 year after the chlorinated hydrocarbon insecticides came into general usage. Other chemicals affect shell thickness in poultry (*17*), but the finding of high concentrations of chlorinated hydrocarbons in the eggs of wild populations of raptors and the time correlation of shell changes with the introduction of DDT [1,1,1-trichloro-2,2-bis (*p*-chlorophenyl) ethane] tend strongly to suggest that chlorinated hydrocarbons are the major contributing cause, although it is not unlikely that other chemicals could be contributory.

In order to test the hypothesis that these recent changes of thickness in raptor eggshells were the result of differences in exposure to chlorinated hydrocarbons we analyzed 10 to 14 eggs taken in 1967 from each of five colonies of the herring gull (*Larus argentatus*). Mean shell weight and thickness in 55 eggs collected in the same five states prior to 1947 disclosed no geographic gradients or significant differences. The 1967 mean thicknesses for each colony were therefore compared to mean levels of residual DDE [1,1-dichloro-2,2-bis (*p*-chlorophenyl) ethylene] on a fresh-weight basis, with the result shown in Fig. 2, the r value being significant, with $P = .001$. The residues of polychlorinated biphenyls (*18*) have not been studied in these ecosystems, but DDE has been consistently high in the Lake Michigan birds, averaging (fresh weight) 1925 ppm (S.E. 274) in the fat of 12 healthy adults collected in 1963–64 (*19*).

Reproduction in these gull colonies was generally normal in 1967 except perhaps in Wisconsin. At the latter colony where an 11 percent mean decrease in shell thickness occurred, some egg breakage and shell flaking was evident in 1967, although not at the frequency seen in previous years. Excessive reproductive failure occurred at this site in 1964 when about 18 percent of eggs lost about one-third of the shell due to flaking, when clutch size decreased and embryonic mortality was high, and when DDE residues averaged 202 ppm (S.E. 34) in nine eggs (*20*). (If linear extrapolation of the 1967 values is carried out to 202 ppm, the shell thickness in 1964 could be estimated as having decreased by about 32 percent.) The effectiveness of DDE in the enzymatic metabolism of aminopyrine has been reported by Hart and Fouts (*21*), and our data suggest that this compound, because of its prevalence, has played a major role in inducing the hepatic microsomal metabolism of steroids that in turn resulted in the eggshell changes we have encountered in museum collections. Without doubt DDE is the commonest insecticide or insecticide analog now being found in avian tissues (*22*). In 1966, it was found to average 284 ppm (S.E. 62) in the fat of nine arctic-breeding peregrine falcons (*14*) and about 414 ppm in four others on a wet-weight basis (*15*). Concentrations of this compound and other chlorinated hydrocarbons in the peregrine populations that crashed farther south can be assumed to have been as high—and they may have been much higher.

From the above evidence and that accumulated by others (*2, 4, 6, 8*), we have reached these conclusions: (i) many of the recent and spectacular raptor population crashes in both the United States and Western Europe have had a common physiological basis; (ii) eggshell breakage has been widespread but largely overlooked in North America; (iii) significant decreases in shell thickness and weight are characteristic of the unprecedented reproductive failures of raptor populations in certain parts of the United States; (iv) the onset of the calcium change 1 year after the introduction of chlorinated hydrocarbons into general usage was not a random circumstance; and (v) these persisting compounds are having a serious insidious effect on certain species of birds at the tops of contaminated ecosystems.

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21. L. G. Hart and J. R. Fouts, *Arch Exp. Pathol. Pharmakol* 249, 486 (1965).

22. E. H. Dustman and L. F. Stickel, *Amer. Soc. Agron, Spec. Publ.* 8, 109 (1966).

23. J. B. Dixon, B. Glading, W. C. Hanna, E. N. Harrison, S. B. Peyton, personal communication.

24a. A. Sprunt, IV, personal communication.

24b. W. A. Stickel in Hickey (*8*), p. 337.

25. Except for the California data (23) the data on population trends are given in (8) by F. L. Beebe for British Columbia; by W. R. Spofford for Vermont; by J. A. Hagar for

Massachusetts; and by D. D. Berger *et al.* for New Jersey.

26. Research carried out under contract with the Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, U.S. Dept. of Interior. W. H. Drury, J. T. Emlen and M. E. Slate provided gull eggs for analysis. E. N. Harrison, W. C. Hanna, and many other oologists greatly facilitated our measurements of eggshells. We thank D. A. Ratcliffe for advice throughout the entire study.

16 July 1968

Mr. PROXMIRE. Mr. President, I have an amendment at the desk and I ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Wisconsin proposes an amendment, on page 73, line 24, insert the following new section:

SEC. 109. Section 1705(h) of Public Law 90-448 is amended by striking the word "or" where it appears before the word "domitory" and by inserting after the word "domitory" the following: ", water, or sewer".

Mr. PROXMIRE. Mr. President, the Water Quality Improvement Act of 1969 which the Senate is considering today is mainly concerned with the control of pollution whether by oil, sewage flow, acid mine drainage, or related pollutants into our rivers and harbors. This bill would authorize appropriations to alleviate polluted conditions and to provide for better coordination between Federal, State, and local water pollution control programs. I congratulate the distinguished Senator from Maine for the excellent leadership he has shown on environmental policy. His work on the Water Quality Improvement Act is but one example of his continuing efforts over the years to combat air and water pollution.

I understand that the Public Works Committee will later consider legislation on the very important subject of providing additional financing to State and local governments for the construction of needed water and sewer facilities. In 1968, State and local governments borrowed nearly $3 billion to provide capital for financing water, sewer, and conservation programs. The Water Quality Improvement Act of 1968 was passed by the Senate, but was not enacted into law because time ran out in the 90th Congress before differences in the House and Senate versions could be resolved. This 1968 act would have enabled State and local government units to raise between $6 and $7 billion in capital by means of municipal bond issues in order to pay for needed construction.

The amendment I offer today would afford to the State and local government units access to the capital market now enjoyed by State and local governments when they issue bonds for housing, university, and dormitory purposes. Having access to a competitive capital market will enable the State and local governments throughout the country to borrow money for water and sewer construction at the lowest possible cost. It is my belief that in view of the astronomically high interest rates which are now being paid, it is more imperative that new water and sewer construction be paid for by raising capital under the most advantageous conditions. Furthermore, as I mentioned earlier, the fact that the Public Works Committee has not yet considered legislation relating to financial assistance by the Federal Government for the raising of such capital is an additional reason why it is important at this time that every advantage of a competitive market be given for State and local borrowing for water and sewer needs.

Mr. President, the Committee on Banking and Currency has considered this amendment in some detail and hearings have been held on it. The Senator from Maine (Mr. MUSKIE) is familiar with the action taken, as he serves as a member on that committee. It has also been discussed on the floor before, and I would hope, as it is discussed now with the distinguished Senator from Maine, that he will be able to accept the amendment.

Mr. MUSKIE. Mr. President, I support the adoption of the amendment offered by my distinguished colleague from Wisconsin. The Subcommittee on Air and Water Pollution has given considerable thought and study as to how capital is to be available to our hard-pressed States and cities for the construction of waste treatment facilities. I believe that every Member of Congress is aware of the acute need in every State and community for such facilities. Many different financing proposals have been considered by the subcommittee and by the full Public Works Committee. The Clean Water Restoration Act of 1966 authorized $3.5 billion for substantial Federal grants for this purpose. However, appropriations have fallen far short of the authorized amounts. This situation will be partially rectified this year if the Congress appropriates the amounts included by the House Appropriations Committee in the Public Works appropriations bill.

In the meantime, State and local government units have continued to raise the capital for both their share and the Federal share of a project cost by the issuance of bonds. They will continue to raise needed State and local capital by this method in the future. The amendment now under consideration would enable the public issuers to have access to the same capital markets now available for Federal financing thereby insuring that they may borrow in a competitive market at the lowest cost.

Mr. President, for many reasons the amendment is thoroughly consistent with the objectives of the committee, struggling against budgetary restrictions over the past 3 or 4 years, to find alternative ways to make it possible for States and communities to find the capital to build these facilities.

I compliment the Senator for offering his proposal. It has been heard by committees. It is demonstrably sound on the basis of the hearings held, and I am delighted to take the amendment into the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wisconsin.

The amendment was agreed to.

Mr. MUSKIE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS TO 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordnace with the previous order, that the Senate stand in recess until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 33 minutes p.m.), the Senate took a recess until tomorrow, Wednesday, October 8, 1969, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate October 7, 1969:

U.S. CIRCUIT JUDGE

Charles Clark, of Mississippi, to be U.S. circuit judge, fifth circuit vice Claude F. Clayton, deceased.

U.S. ATTORNEY

Paul C. Camilletti, of West Virginia, to be U.S. attorney for the northern district of West Virginia for the term of 4 years vice John H. Kamlowsky, resigned.

U.S. MARSHAL

Robert D. Olson, Sr., of Alaska, to be U.S. marshal for the district of Alaska for the term of 4 years vice George A. Beyer.

Leon T. Campbell, of Tennessee, to be U.S. marshal for the middle district of Tennessee for the term of 4 years vice Elmer W. Disspayne, retired.

Benjamin F. Westervelt, of New York, to be U.S. marshal for the eastern district of New York for the term of 4 years vice George J. Ward.

ASSISTANT COMMISSIONER OF PATENTS

John Henry Schneider, of Virginia, to be an Assistant Commissioner of Patents, vice Gerald D. O'Brien, resigned.

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY; NOT TO BE QUOTED OR CITED)

Issued Oct. 9, 1969
For actions of Oct. 8, 1969
91st - 1st, No. 164

CONTENTS

Agricultural appropriations.....14
Agricultural statistics...4
Appropriations.....11,12,14
Atomic energy.....12
Beef.....4
Clean water.....20
Consumers.....10
Education.....7
Environmental quality.....2,17,20
Everglades park.....5
Farm bill.....18
Farm Bureau.....24
Farm exports.....4
Food stamps.....13
Fire hazards.....28
Fishing industry.....19
Forestry.....23,26
Health.....9,31
Legislative program.....11
Organization.....31
Peace Corps.....15
Per diem.....1
Pesticides.....6, 22
Pollution.....17
Population.....21,30
Potatoes.....11
Poverty program.....11
Price supports.....32
Public Law 480.....13
Public works.....12
Recreation.....33
Sewage treatment.....20
Social security.....16
Tax reform.....8
Timber.....26
Tobacco.....9,28
Trade.....4,29
Transportation.....25
Travel.....1
Water pollution.....3
Wine.....13
Youth Conservation Corps..27

HIGHLIGHTS: Senate passed per diem bill. Senate conferees were appointed on environmental quality bill. Senate passed water quality bill. House committee ordered reported measure to increase food stamp authorization.

SENATE

1. PER DIEM; TRAVEL. Passed as reported H. R. 337, to increase the maximum rate of per diem allowance for employees traveling on official business. p. S12100

2. ENVIRONMENTAL QUALITY. Disagreed to the House amendments to S. 1075, the environmental quality bill. Conferees were appointed. pp. S12124-47

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

3. WATER POLLUTION. Passed with amendment, 86-0, H. R. 4148 (after substituting the amended language of S. 7, a companion bill), the proposed Water Quality Improvement Act, 1969 (pp. ~~S12099~~, S12104-23, S12147-60). Conferees were appointed (p. S12158). S. 7, the companion bill, was indefinitely postponed (p. S12157).

4. FARM EXPORTS; BEEF. Sen. Sparkman urged favorable consideration of proposed legislation to call an annual conference of the U. S. beef industry to assess world trade trends; and for a concerted effort to refine agricultural statistics so that Congress would be in a better position to assess judgments on agricultur export and import trade policies. p. S12197

Sen. Hansen said he does not believe the prices of meat, particularly beef, have risen disproportionately with other basic foods. p. S12197

5. EVERGLADES PARK. Concurred in the House amendment to S. 2564, to authorize acquisition of additional lands for the park. This bill will now be sent to the President. p. S12163

6. PESTICIDES. Sen. Nelson discussed and inserted a magazine article placing emphasis on use of alternative, less dangerous pesticides. p. S12180

7. EDUCATION. Sen. Murphy inserted an endorsement of his proposed Urban and Rural Education Act. pp. S12180-1

8. TAX REFORM. Sens. Long and Murphy inserted statements made during hearings on the tax reform bill summarizing some of the provisions of the proposed legislation. pp. S12181, S12194

9. TOBACCO; HEALTH. Sen. Cook discussed and inserted articles on the pros and cons of lung cancer and smoking. pp. S12185-6

10. CONSUMERS. At Sen. Hart's request, the text of S. 2959, his bill to establish an Independent Consumer Council was printed in the Record. pp. S12186-8

11. LEGISLATIVE PROGRAM. Sen. Mansfield said he hopes the potato bills can be taken up Friday, and that next week the poverty program bill and the legislative appropriation bill may be taken up. p. S12162

HOUSE

12. APPROPRIATIONS. Passed, 396-3 without amendment H. R. 14159, the Public Works and Atomic Energy appropriations bill, 1970 (pp. H9224-95).

Rejected amendment that would increase funding for construction grants for waste treatment works by $400 million.

The various types of technical effort are so similar that separate identification is almost a matter of opinion.

For example, the bid and proposal expenses of one large military contractor increased 263 percent from 1961 to 1963 while the sales volume of the contractor increased by only 36 percent. Thus the contractor's bid and proposal expenses rose almost 7 times as fast as his increase in sales. Additionally, this same contractor projected for 1964 a figure in excess of 50 percent over the 1963 figure, while forecasting a decrease in sales volume for the same period.

The Army audit's analysis of another contractor's recorded bidding expenses for a 10-month period showed a total of almost $400,000 which actually represented independent research and development work out of a total reported $1,083,000. The Army found that the contractor had spent almost $190,000 for development of a new type of command reconnaissance vehicle which originally had been budgeted for only $10,000. The additional $180,000 of unsolicited work was charged off to bid and proposal expenses, and was completely paid by the Government.

The most flagrant examples of abuse, however, are found in the practices of the very largest of military contractors. In a report prepared by the Comptroller General released in 1967, it was reported that at least half of the $3.8 million of B. & P. expenses claimed by one of the largest Government contractors "were either similar to independent research and development costs or were not, in our opinion, clearly necessary to support the contractor's bids and proposals." According to the study the items in question were costs incurred, first, after the Government indicated it was not interested in the proposal; second, before the time a request for proposal was received; third, after a bid or proposal had been presented to the potential customer; and, fourth, to develop capability to respond to future anticipated requests for proposals.

In one case this contractor undertook an analysis and commentary on a proposal prepared by Eurospace, a private nonprofit organization set up to promote space activities in Europe. The contractor, as a corresponding member had been invited to undertake the study. The contractor charged the costs of the study to bid and propsal expense and ultimately allocated these costs to U.S. Government contracts. The contractor attempted to justify the work by showing that the purpose was to establish a capability for future participation in new program areas. As such they were totally unrelated to any Government work being done by the contractor.

This same contractor claimed almost a quarter of a million dollars for studies pursued on three different projects after it had been notified the Government was not interested in its proposals. These costs were charged to B. & P. expenses.

In another case, this same contractor continued work on an advanced orbital proposal after it had been notified that funds were not available for this program, and that the Government was no longer interested in the proposal. Almost $21,000 was paid by the Government for work it had specifically requested it did not want done.

As I stated earlier many times a contractor will charge I.R. & D. projects of very questionable value to the Government to bid and proposal expenses. This is particularly true when the Government has imposed a ceiling on I.R. & D. expenses which it will accept. The Army audit study reported one instance where a contractor undertook research on the extraction of water from rocks. Quoting the Army audit report:

We feel that this effort should have been charged to IR&D. However, since the contractor's IR&D costs had already reached the ceiling limitation, had the cost of this effort been included in IR&D, the amount would have been unallowable as an excess over ceiling. By classifying these costs as B&P expenses, the contractor avoids any form of government review of the project and insured its acceptability.

At a major space contractor studied by the Army Audit Agency whose workload was practically 100-percent Government, over 50 percent of its unsponsored technical effort were included in other cost classifications such as conceptual studies, technical operations, and so forth. In the opinion of the Army Audit Agency most of the work should have been classified as I.R. & D. Yet these programs were not submitted to the Government for review and evaluation even though the costs were allocated to Government contracts.

NEED FOR A CHANGE

It is clear from these examples that the Government is supporting a great deal more I.R. & D. work than reported figures would indicate. What is more, it is supporting work it has no knowledge of, has never reviewed, much less approved.

Mr. President, the record of the I.R. & D. program has not been good. Not only is the I.R. & D. program running out of control, but much of the work being performed is either duplicating regular R. & D. efforts, or is of little value to the Government. Despite repeated requests, the Department of Defense and NASA have failed to tighten up on I.R. & D. funding principles. The need for major revisions in the I.R. & D. program are clear.

The simple fact is that much of the research being done is both unrelated to the mission of the agency and of little or no value to the Government. Just saying that any research, related or unrelated to the agency's mission or to the Government needs, is good can no longer be tolerated.

The Government can no longer accept vague promises when it spends the taxpayer's money. It must be assured that the purpose of the project undertaken is of value to the agency. Only by limiting R. & D. to work that is related to the mission of the agency can we accomplish this goal. We must restore the fundamental principle to our R. & D. effort that the Government will pay for only that work which it requests and which it needs. The Departments must know what they are paying for. They must know in advance.

The abuses of these fundamental funding principles under the present system can no longer be tolerated. The money which is being wasted on unneeded I.R. & D. is needed badly elsewhere.

The Government has spent over $3 billion on I.R. & D. in the last 6 years. Last year alone, the Government spent over three times the amount on the I.R. & D. program that it spent on Federal pollution control efforts. The question which must be answered is, Did we get our money's worth? How many valuable projects have actually come out of contractor I.R. & D. programs? More important, could the same amount of value have been obtained at much less expense through the normal research and development program? Unless supporters of the I.R. & D. program can show projects worth the expenditure of over $3 billion, the program should be stopped.

Mr. President, there is no question that research is needed if the country is to maintain its position of technological superiority. However, before the Government pays for such research it has the obligation to know the purpose of what it is paying for. Blind faith that something good will come out of it is not enough. We do not have money to throw down dark alleys merely in the hope we can produce a few rays of light at the other end. There are too many urgent needs in the country for us to spend money frivolously. I.R. & D. supports neither specific research nor fundamental research. It is little more than a bonanza for the fortunate.

It is for these reasons that I am introducing today a bill which will insure money spent for independent research and development by the Department of Defense or NASA will be related to the mission of the agency. It will also bring the future I.R. & D. policies of the Department of Defense and NASA into line with those policies of the Atomic Energy Commission, thus eliminating many of the problems caused by lack of a uniform Government policy.

It will provide proper controls over independent research and development expenditures. The Government will know what it is buying and will pay for that which it wants and needs. Research unrelated to the Department needs will not be supported. That is a legitimate expense of the companies.

Mr. President, let me also make it very clear that this bill will not prevent the Department of Defense from funding certain valuable I.R. & D. projects now being undertaken. The bill is designed to eliminate only those I.R. & D. projects which are of little or no benefit to the agency sponsoring them. The bill will insure that the Government knows what it is supporting, and that the project will be of value. It will guarantee both the taxpayer and the Government the most for his research dollar.

Mr. President, action on the I.R. & D. problem is needed. The need is now urgent. Every Federal dollar spent increases the inflationary danger. Priorities must be established. We are already spending over $8 billion every year for regular research and development. Spending an additional half a billion

dollars each year on additional independent research and development simply cannot be justified in the face of so many other crying needs. The Congress can no longer afford to merely pay lip-service to the need to cut spending. The need for action is now. The need for action is urgent. Cutting back on the I.R. & D. program is the first step.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3003), to provide for more effective control over the expenditure of funds by the Department of Defense and the National Aeronautics and Space Administration for independent research and development, and for other purposes, introduced by Mr. PROXMIRE, was received, read twice by its title, and referred to the Committee on Armed Services.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDIING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MUSKIE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, is it so ordered.

WATER QUALITY IMPROVEMENT ACT OF 1969

The Senate resumed the consideration of the bill (S. 7) to amend the Federal Water Pollution Control Act, as amended, and for other purposes.

AMENDMENT NO. 217

Mr. STEVENS. Mr. President, I call up my amendment, No. 217, offered on behalf of myself and the Senator from Massachusetts (Mr. KENNEDY), and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD at this point.

The amendment offered by Mr. STEVENS is as follows:

At the end of the bill insert the following:

"TITLE IV—ALASKA VILLAGE SAFE WATER FACILITIES

"SEC. 401. The Federal Water Pollution Control Act is amended further by inserting at the end thereof a new section as follows:

"ALASKA VILLAGE SAFE WATER FACILITIES

"SHORT TITLE

"SEC. 23. (a) This section may be cited as the 'Alaska Safe Water Facilities Act'.

"FINDINGS OF FACT

"(b) The Congress hereby finds and declares that—

"(1) in numerous villages in the State of Alaska there are presently no facilities for the provision of safe water and hygienic sewage disposal;

"(2) because of the absence of such water and sewage facilities in such villages and the attendant insanitary conditions stemming from such absence, there is a widespread incidence of sickness and disease which is responsible for serious, and in some instances, permanent impairment or even death to the residents of such villages; and

"(3) it is the responsibility of the Federal Government, in providing for the health and general welfare of Indian and native Alaskan citizens of the United States, to take appropriate measures to protect the lives and health of residents of such villages by enabling them to enjoy the benefits of safe water and hygienic sewage disposal facilities.

"DECLARATION OF POLICY

"(c) It is therefore the policy of this section to establish a special emergency program designed to provide safe water and hygienic sewage disposal facilities in Alaskan villages which presently do not have such facilities.

"PROVISION OF FACILITIES

"(d)(1) In order to provide safe water and hygienic sewage disposal facilities in villages in Alaska which presently do not have such facilities, the Secretary of the Interior (hereinafter in this section referred to as the 'Secretary') is authorized to institute and carry out a program designed to provide for the installation of such safe water and hygienic sewage disposal facilities in Alaskan villages as are necessary to assure that there will be at least one facility for safe water and hygienic sewage disposal in each village.

"(2)(A) Any facility constructed under this subsection shall be available for use by the general public and be housed in a suitable structure, designed to assure year-round use of such facility, and shall include, at a minimum, a source of clean water (such as a well with pumping facilities or utilization of surface water treated so it is safe and healthy for use), shower bath facilities, an adequate means of hygienic sewage disposal, and facilities for the washing of clothes. The building housing any such facility shall, if the Secretary determines it to be feasible and appropriate, also contain suitable quarters to be used as a community health service office.

"(B) The location of any facility constructed under this subsection shall be determined after consultation with the village council (or other comparable governing body) of the village in which such facility is located, as well as with appropriate public agencies (such as, but not limited to, the Alaska State Housing Authority and the Federal Field Committee for Development Planning in Alaska), in order to achieve maximum coordination in public development plans and activities affecting the community in which the facility is to serve.

"(3)(A) The Secretary shall provide for the construction of facilities under this subsection in the most expeditious manner feasible, and is authorized to provide for such construction by contract or through grants to public agencies or private nonprofit organizations, or otherwise. No contribution toward the cost of the construction of a facility will be required from the users thereof.

"(B) Payments of any grants made under this subsection may be made in advance or by way of reimbursement and subject to such conditions as the Secretary may impose to assure that the purposes of this section will be properly carried out.

"(C) In the construction of any facility under this subsection, there shall be utilized to the maximum extent feasible workmen from the village in which such facility is being constructed.

"(4) It shall be the responsibility of the village council (or other comparable village governing body) to maintain and operate the safe water and hygienic sewage disposal facility constructed therein under this subsection, and, upon completion of such facility, the Secretary shall execute such transfers of title as may be necessary to vest complete ownership of such facility in such council or body. The Secretary shall not construct under this subsection any facility in any village unless he first receives satisfactory assurances from the village council (or other comparable governing body) thereof that such council or body will, upon completion of such facility, accept ownership thereof and will accept responsibility for the operation and maintenance thereof.

"(5) For purposes of carrying out the provisions of this subsection, there is authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1970, and such sums as may be necessary for each of the next three fiscal years thereafter. Funds appropriated for any fiscal year under this paragraph shall remain available until expended and be utilized for both construction of the facilities and for the engineering and administrative costs necessary to design and plan such construction.

"(e)(1) The Secretary shall conduct through the health aide, in each community wherein there is located a safe water and hygienic sewage disposal facility provided under subsection (d), an appropriate educational and informational program designed to familiarize the residents of such community as to the health advantages to be achieved by their full utilization of such facility.

"(2) Whenever the Secretary determines that the village council (or comparable governing body), which has accepted ownership and responsibility for operation and maintenance of a facility provided under subsection (d), has financial resources which (when combined with the financial assistance available to it from the village, State, or other sources) are less than the amount necessary to enable such council or body properly to operate and maintain such facility, then the Secretary may make grants to such council or body in amounts which (when combined with the amounts available from other sources) will be sufficient to enable such council or body properly to operate and maintain such facility.

"(f) The Secretary of the department actually administering the provisions of this section shall for the fiscal year which ends June 30, 1970, and for each of the succeeding three fiscal years, submit to the Congress a full and complete report of the activities undertaken pursuant to the authority contained in this section, which report shall indicate each of the villages wherein safe water and hygienic sewage disposal facilities under subsection (d) have been established, the extent to which such facilities are being utilized, and the contribution made toward such utilization by the educational and informational program established pursuant to subsection (e)(1). The report of such Secretary for the fiscal year ending June 30, 1970, shall be submitted not later than July 30, 1970, and the report for each of the three

succeeding fiscal years shall be submitted not later than the July 30 which immediately follows the close of such fiscal year.

"(g) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1970, and for each succeeding fiscal year, such sums as may be necessary to carry out the provisions of subsections (e) and (f) of this section.

"(h) In order to prevent duplication of effort and to promote economy of administration, the Secretary shall to the maximum extent feasible utilize the facilities of the Department of Health, Education and Welfare or the facilities of other appropriate public agencies in the administration of the provisions of this section."

Mr. STEVENS. Mr. President, we have offered this amendment to bring to the attention of the Senate the great problem of pollution in the rural areas of Alaska, particularly in the native and Indian areas.

I accompanied the Senator from Massachusetts (Mr. KENNEDY) on his hearings in our State during the early part of this year. As a result of that trip, our staffs collaborated and prepared this amendment to S. 7 as an approach that would be feasible, in our opinion, to deal with the pressing problems in these areas.

In 178 villages, only 8 percent of the homes, as I pointed out yesterday, have any kind of inside sewage or water facilities.

The purpose of the amendment would be to attempt to bring into each village a safe water facility as quickly as possible.

We realize, after our trip through these areas, that it would be impossible, from a financial point of view, to put water and sewage facilities into every one of these village homes, which are substandard, and which we are trying to replace. It would be uneconomical to attempt to put sewage and water facilities into each home, as we would envision replacing the homes under the remote housing program and the Bartlett housing program.

I am indebted to the Senator from Massachusetts for his support and also to the chairman of the committee for his consideration.

I have discussed this matter with the chairman and I understand the position he is prepared to explain in connection with the amendment.

Mr. KENNEDY. Mr. President, will the Senator from Alaska yield?

Mr. STEVENS. I yield.

Mr. KENNEDY. During the spring of this year, when the Subcommittee on Indian Education traveled through Alaska, our prime interest and responsibility was to try to review in some detail the educational opportunities, or, more accurately, the lack of educational opportunities, for the native population, Indian as well as Eskimo.

During the three and a half days of extremely comprehensive travel throughout the State of Alaska, in which we were joined by the distinguished Senator from Alaska (Mr. STEVENS), the subcommittee was constantly reminded not only of the inadequacy of education, but also of one of the greatest impediments in the pursuit of education; namely, the lack of basic and fundamental sanitary conditions.

This appeared to me as a condition which I never realized could exist in this country of ours, a country which has such extraordinary affluence and wealth. Upon visiting many smaller, and even moderate-sized villages, we found absolutely no kind of sanitary facilities at all. Children were drinking polluted water, and from this contracting a variety of diseases which prohibited their even attending school. Eighty-five percent of the native children there had ear infections, which directly affect their whole learning process. Nearly 15 percent of native children were hospitalized by serious sicknesses last year.

In our conversations with a number of schoolteachers, they pointed out that many of the native children, Eskimo and Indian children, were not learning well because they suffered from hearing deficiencies.

In talking with Public Health officials, we found that the principal reason for their suffering was lack of clean and adequate water supplies. As a result of using polluted water to bathe and wash in, and even drink, they were contracting diseases peculiar to Alaska, particularly the southwestern part of that State.

We could elaborate, and I know the Senator from Alaska (Mr. STEVENS) could elaborate, on the details of the conditions we found there, but they were some of the most desperate I have seen, including those in the barrios of Latin America and the hovels of Asia.

It seems to me that an important step which should be made—and could be made—is providing fundamental kinds of sanitary facilities to many of the smaller communities and villages. I think it would go a long way toward permitting these people to live in some kind of human dignity.

I want to say how much I appreciated working with the Senator from Alaska (Mr. STEVENS) on this problem. We realized full well we have not had the kinds of extensive hearings on this measure that perhaps a measure of this kind should have; but the reason why we are moving in this way is the emergency nature of the situation. It exists today.

We know that this measure, S. 7, provides us with knowledge from members of the committee who have a profound knowledge and understanding of this kind of legislation. If we do not get action at this time, another year will pass by, and any kind of progress will be interminably delayed. We feel that this is no time for delay.

So we are extremely hopeful that some benefit will come from what I think is an emergency measure. We have seen how the Senate can act in times of emergency, whether it be a hurricane in Louisiana or the tragedy of an earthquake in Alaska. We are talking about a human tragedy which deserves as much expeditious consideration as natural disasters do.

Mr. STEVENS. I thank the Senator from Massachusetts for his comments. One of my colleagues asked yesterday why Alaska, with its new-found wealth, did not finance this program. I would like to point out that this is Federal land. These are villages which are under the supervision of the Bureau of Indian Affairs, and our Public Health Service is responsible for their health. The measure contemplates a working relationship between the Secretary of Interior and the Secretary of Health, Education, and Welfare. There are less than 500 acres of land in private ownership in this area, which is twice the size of California.

The reason why the State cannot move in that area is that it does not own the land. It has no way to get security for the advancement of any funds. There is no way for the State of Alaska to deal with this problem today. The Federal Government has both the title to the land and supervision over the people. They are wards of the Government until there is action taken on the Alaska native land claims settlement bill. This is another reason for the urgency of the matter.

The State is now in a position where it can move ahead and try to improve the lot of the people through better housing conditions, schools, and roads, but until the State has some legal right to do it, we must rely upon the Federal Government. I feel we must move into this area now with a bold program to try to prevent the rapid increase in the death rate.

Yesterday I pointed out that one-fifth of the children in this area die in the first year of their life, and those who survive have a life expectancy of 34½ years. These are most appalling statistics.

Mr. KENNEDY. Mr. President, will the Senator yield on the point of the infant mortality rate?

Mr. STEVENS. I yield.

Mr. KENNEDY. The infant mortality rate for Alaskan native children is the highest of any group in this country.

Mr. STEVENS. It is 10 times higher than any other group.

Mr. KENNEDY. Once again, it can be directly related, I think, as was brought out in our conversations with the Public Health personnel there, to the question of basic and fundamental sanitary conditions. That is one of the prime reasons for that condition, as we heard from the Public Health personnel who were there dealing with this problem and have made many, many surveys of the health problems.

On another point, as the distinguished Senator from Alaska pointed out, these are Federal land areas. I think all of us realize we have additional kinds of responsibility, not only in the field of Indian education, for example, where the Federal Government has had an opportunity and unfortunately has reneged on that responsibility, but in trying to provide the kinds of facilities which are essential to a decent kind of existence.

The statistics given by the Senator from Alaska are most dramatic in terms of human misery. Once again, I think they reinforce the emergency nature of our proposal.

Mr. STEVENS. I thank the Senator. I pointed out that this is not something that is impossible. Each one of the villages has a school run by the Bureau of Indian Affairs, in which the children can use hot and cold running water and

showers. The trouble is they go from their 20th century daytime schoolhouse into their stone age home at night. They go into homes which have one room, in which 10 to 20 people live, with no kind of water or sanitary facilities.

There is great difficulty in teaching these children who have no continuity in life. They have the highest school dropout rate. They have the lowest attainments in terms of educational levels. And one of the basic problems they face is polluted water. Safe water is one thing we can make available to them now.

I know the chairman of the subcommittee would like to comment on this matter, but first I ask unanimous consent that the amendment we have offered show that it is cosponsored by Senators McGOVERN, MONDALE, HUGHES, WILLIAMS of New Jersey, YOUNG of North Dakota, YOUNG of Ohio, and SMITH of Illinois, who have joined the Senator from Massachusetts and me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. STEVENS. I yield first to the majority leader.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may be included as a cosponsor of the proposal by the Senator from Alaska.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, I have, as the Senator from Alaska has indicated, discussed this matter with him. May I say at the outset that I sympathize completely with the Senator's objectives, and I compliment the distinguished Senator from Alaska and the distinguished Senator from Massachusetts for developing the facts relative to this situation and bringing them to the attention of the Senate, first at the time this amendment was introduced last spring and then this morning. I think this part of the record is important.

I point out that when the amendment was submitted last spring, on May 20, the committee had already completed its hearings on S. 7, and, indeed, we had already embarked on executive sessions, which stretched from March until late June, undertaking to work out the provisions of the bill which are now pending before us.

We entertained the hope at that time that before this session was ended, we would get to additional hearings on the problems of financing waste treatment plants. So last spring we indicated to the Senator from Alaska that, in connection with those hearings which we hoped to hold, we would have hearings on his amendment, with a view to developing a viable solution to the problem.

Unfortunately, other developments in connection with the funding of waste treatment plants have taken place or are underway in Congress this year. I have high hopes that, with the assistance of the able and distinguished Senator from Louisiana, the funding level can be raised through the appropriations process. For that reason, and in order to submit our efforts on the appropriations process this year, we did not get into the questions of alternative means of funding waste treatment plants; and as a consequence, we have not gotten to hearings on the Senator's proposal.

But because of the obvious merit and urgency of the problem, I have agreed with the Senator to take his amendment to conference, if the Senate approves, for the purpose of bringing it to the attention of the House of Representatives as well as the Senate. I would not predict what the conference result may be, but at the very least, I think, by this procedure we can alert the House of Representatives to the urgency of the problem and lay the basis for further and perhaps more effective consideration by our committee later on.

So I am willing to take this amendment on that basis.

Mr. STEVENS. I thank the Senator for his comments. I am sure that the Senator from Massachusetts and I understand the problem that is involved in the committee's consideration, and we are grateful to the chairman for his comments and his appreciation of the problem and his willingness to work with us to try to solve it.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the substitute committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The committee amendment in the nature of a substitute is open to further amendment.

Mr. MUSKIE. Mr. President, yesterday there was some discussion of the oil pollution liability section of S. 7; and in view of the comments made on the insurability of the liabilities set forth in the bill, I should like to briefly to discuss the considerations which led the committee to conclude that the reverse burden of proof—limited negligence concept would not adequately protect the U.S. Government in the event of a catastrophic oil spill.

These provisions in the legislation, Mr. President, sparked a great deal of controversy. A number of representations have been made to members of the Committee on Public Works and other Senators by representatives of the British insurance industry, the international merchant marine, and the American merchant marine, recommending the adoption of negligence liability, with limits of $100 per gross ton or $10 million, whichever is lesser.

I should like briefly to discuss why this concept, which was included in the House passed bill, was not accepted.

The Committee on Public Works did not ignore the need to protect the ability of the United States to transport oil by vessel. It was for precisely this reason that the committee established the limitation of liability at $125 per gross ton, or $14 million, whichever is lesser, for any oil spill which was not the result of negligence or a willful act. It was also for this reason that the committee provided certain exceptions suggested, I might say, by the industry, which, if proved by the owner or operator of the discharging vessel, would relieve the vessel from liability.

In other words, if the owner cleans up the spill and is later able to prove that the discharge was caused solely by one of the four exceptions which the committee included in the bill, the U.S. Government will reimburse the owner for his costs up to $14 million.

Mr. President, I think it is important, at this point, to suggest some facts relative to the risks which are involved from this kind of spill and discuss the relationship of liability to those risks.

The House bill would limit the liability of a vessel owner or operator to $100 per gross ton or $10,000,000, whichever is lesser. That bill would provide that, regardless of how willful or how negligent the discharge happened to be, the innocent beach owner, the innocent boatowner, or the innocent commercial fisherman would have to pay those cleanup costs in excess of $100 per gross ton of the discharging vessel even though that beach owner, that fisherman, that boatowner had absolutely no responsibility for the spill.

Mr. President, this approach would greatly reduce the capacity of the United States to collect cleanup costs for the discharge of oil from a major supertanker. Today, $100 per gross ton would provide maximum liability coverage for a 100,000-gross-ton vessel. However, we are approaching the era of the supertanker. The recent success of the tanker *Manhattan* in breaching the Northwest Passage for commercial purposes will cause construction of immense supertankers which will transport oil from Alaska's north slope to the east coast of the United States. Already one oil company has ordered two supertankers to move oil from the north slope of Alaska to California.

If the committee's figures are accurate and they were almost all supplied by the oil companies and the insurance industry, a disaster on the order of the *Torrey Canyon,* in which the vessel was lost, cost approximately $118 per gross ton to clean up based on the settlement figures.

If a 200,000 gross ton tanker were to break up off the coast of the United States and if the cost of cleanup were to be only $118 per gross ton, the cost to the United States would be $23.6 million. Under H.R. 4148, the United States would be out of pocket $13.6 million even if negligence was proved. Under the legislation proposed by the committee the major oil company which will own that supertanker would be liable for the entire cost of cleanup if the U.S. Government were able to prove negligence. If that discharge occurred without fault on the part of the discharging vessel, the oil company would be liable for a maximum of $14 million. If the oil company owning the vessel could prove that the discharge was solely the result of an act of God, an act of war, an act of third party or an act of U.S. Government negligence there will be no liability whatsoever. In fact, if the oil company which owned the vessel cleaned up the spill and later proved that the discharge was a result of one of the exceptions that oil company could be reimbursed by the United States for the cost of cleanup.

Mr. President, in a matter of equity as between the discharging vessel and the American public, I have to choose for the American public. I firmly adhere to the position taken by the committee that the negligence on the part of anyone involved in the operation of the vessel should remove liability limits and the cost of clean up should be borne by the vessel, not the innocent beach owner, fisherman or boatowner.

I ask unanimous consent that there be included in the RECORD at this point a letter commenting on the liability provisions of S. 7, from Allan I. Mendelsohn.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
September 26, 1969.

Senator EDMUND S. MUSKIE,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR MUSKIE: In a recent New York Times article, George Horne described several of the current efforts by the British marine underwriters, joined by the American shipowners, to oppose your legislation revising and modernizing the archaic limitations of liability that have up to the present time protected foreign and U.S. flag tanker owners in the event of oil spills causing extensive pollution damage to the beaches and sea coasts of this country.

As a former treaty negotiator for the United States Government on this and similar limitation subjects and as former Chairman of the joint United States Government-industry committee on international maritime law, I believe I might be of some help to you in presenting the other and public side of this controversy.

The British marine insurers, together with the American flag shipowners, have traditionally and consistently opposed every effort, domestic as well as international, to raise the archaic United States limitations of shipowner liability up to realistic amounts. It is scandalous that, by reason of the limitations of liability enacted by the United States Congress in 1851, a Torrey Canyon disaster occurring off the coast of Miami or Cape Cod would result in *no* recoveries for the American citizens whose fishing, wildlife, hotel and beachfront interests are seriously damaged. It is even more scandalous that if the 1851 limitation law, as amended in 1936, is applied to the survivors of the 90 victims of the 1965 Yarmouth Castle disaster, no survivor would recover more than $2,700 per victim.

Yet, each time some effort is made to modernize these limits, the marine insurers and the shipowners join together in opposition. As is the case with your bill, one of their usual arguments is that the capacity of the insurance market is incapable of meeting the risks that could be involved if high limits are adopted. In short, the marine insurance market does not have enough money or enough avenues by which this money can be obtained.

But this argument is plainly inadequate. I do not believe it is necessary, in this respect, again to point your attention to the many inconsistencies that appeared in the testimony of the British insurers on the several occasions they testified before your Committee. In an article to be published in next month's issue of the George Washington University Law Review, I describe and analyze these inconsistencies in some detail, pointing up how their testimony changed in each of the successive hearings held by the House Committees and your Subcommittee. Suffice it to say now, however, that each time they appeared, market capacity seemed to shrink and costs seemed to increase finally to the point even of doubling for halved limits.

For my part, I have no doubt whatever that if your bill were to pass with *no* limitations of liability much less the limitations now proposed in your bill, the marine insurance industry would find the necessary market capacity within at most a 6 month period—if only to be able to continue today's lucrative oil tanker trade. One need only mention, in this respect, that when limitations of liability for international airline crashes were raised in 1966 from $8,300 to $75,000, the international aviation insurance market discovered the capacity almost overnight even though prior to the event they too had argued, like the marine underwriters today, that the capacity was not there. In domestic aviation, where there are no limitations of liability the U.S. airlines are presently gearing up for potential liability, with the new 747 jumbo jets, of upwards of $100 million per aircraft per accident. Yet the British marine underwriters can argue that their market cannot absorb even a limit as low as $15 million.

Moreover, one questions the role of the oil companies is in this controversy. It is a fact that 7 major American oil companies own almost half of the total tanker tonnage operating under the American flag. It is also a fact that the 7 oil companies operating the largest amounts of American flag tanker tonnage also happen to be among the 9 oil companies enjoying the largest allocations under this country's oil import quota system. It is still further a fact that the oil companies and tanker owners have realized immense savings with the introduction of the giant tankers ranging anywhere from 200,000 to 500,000 dead weight tons. A 200,000 ton tanker alone can carry upwards of roughly 55,000,000 gallons of crude oil. Certainly, with the profits realized through these automated and, indeed, subsidized (by way of the import quota system) operations, oil should and must be expected to pay its way by assuring that the insurance market capacity is in fact adequate. For if the oil tanker and oil industry do not pay their way, that way will necessarily be paid through lower, inadequate recoveries by private American citizens who fall victim to future pollution disasters.

To be sure, I am not enamored of all the provisions of your bill. For example, I fail to see why, if there is to be a limit at all, there should be any exceptions to liability. Under modern legal principles, such as exist in international air law today, a limitation may be accorded to the carrier but only in return for that carrier's accepting absolute liability. If a carrier can avoid liability by proving, for example, that the accident resulted not from his fault but rather from acts of God, war, or third parties (the present exceptions in your bill), then, failing such proof, he should be entitled to no limitations of liability and thus be liable for damages in full. This latter situation prevails today in domestic United States aviation. Yet, in your bill, the carrier enjoys the exceptions but still has a limited liabilty. Moreover, even if absolute liability is adopted, I fail to see any persuasive reason why an overall ceiling must be included. It is enough to provide only a per ton limit and, indeed, I might add that this was the system that appeared in your Committee Print No. 3. To change that system by incorporating an overall ceiling of $10 million or $14 million does no more than protect the largest tanker owners who presumably need this protection the least.

Moreover, the most significant failing of your bill is that it covers only clean-up costs of government and does not at all change the repressive 1851 limitations as they apply to suits by private citizens. I realize, of course, that this failing is not of your doing and that you, together with the members of your Committee, would have preferred to have broadened the bill but were unable to under the circumstances.

But with all these defects in the bill, it still remains the first major and long overdue breakthrough in this country's maritime limitation law. If the British insurers, the oil industry, and the American shipowners succeed, by imposing their groundless apprehensions on you, in blocking the passage of even this first step of progress, I fear for the consequences to the American public in all of the future steps of progress that are so necessary in our maritime limitation law.

It is for these reasons and despite its defects that I vigorously support your bill and offer you my assistance in any way towards its enactment. The only compromise that should be acceptable—and one that I would personally prefer—is an unbreakable limit (notwithstanding negligence or willful misconduct) of $150 per ton, no overall limit, and a system of absolute liability with only one exception, namely, the unique case where the Government itself causes or contributes to the causing of the accident. Adoption of such a system would be fully in accord with modern tort law principles which predicate liability not on grounds of fault or negligence but on ability to absorb and distribute risk.

Perhaps in view of the present circumstances, the various concerned industries might be more prone ot accept this proposed compromise system than the one presently in your bill. If so, this system, with all of its legal and practical advantages in offering certainty and avoiding litigation, should the adopted. But if not, your bill is the next best alternative and, despite the objections traditionally heard from the insurers and shipowners, it should be enacted forthwith.

Sincerely yours,

ALLAN I. MENDELSOHN.

Mr. BAKER. Mr. President, I fully concur with the distinguished chairman of the subcommittee in his description of the liability provisions of S. 7; particularly the position that in the final analysis the provisions of S. 7 establish the principle that as between the public and an owner or operator, the owner or operator shall bear expenses associated with cleanup.

I would like to add only a few points.

A paramount concern of the committee is a desire to apply a uniform standard of liability. To do so it was necessary to adopt an approach that would enable the relevant courts to decide issues of liability with as little reference as possible to State law. Consequently, the committee adopted a standard of liability that would give complete and sufficient guidance to the Federal courts in deciding basic issues. The only deviation from this pattern is where an exception is made from limitation of liability where the United States can prove negligence. In considering an allegation by the United States of such negligence, the Federal court, of course, would refer to relevant State law.

The basic liability standard, however, avoids immediate reference to State law by adopting liability in the nature of absolute liability, then providing exceptions from this liability where an owner or operator can prove that a particular discharge was caused solely by an act of war, act of God, or negligent act of the Government or the act of a third party. It is hoped that the exceptions are sufficiently clear in the bill so that, along with the report language, a Federal court will be able to decide the issue of liabil-

ity with a minimum reference to State law and thus achieve as close to a uniformly applied standard as is possible.

The bill defines an act of God to mean an act occasioned exclusively by violence of nature without the interference of human agency. This does not mean, therefore, a common law or statutory definition of act of God that exists under State law. This language provides a higher standard, and one that means a violent act of nature that could not have been avoided by the exercise of foresight and prudence. In the words of the testimony of the American Petroleum Institute this would include an event such as an earthquake or tidal wave in an area without any prerecorded history of such event.

The remaining exceptions are clear on their face and should enable a Federal district or other court to determine all issues with little reference to State law.

S. 7 has been written to avoid a full range of controversy that is inherent in any reference in a statute to burden of proof or prima facie case. The record should show that there is no such thing as a simple reversal of the burden of proof and as responsible legislators we should avoid such a procedural trap.

If we used language of burden of proof we could not describe what burden we are talking about for such matters are properly matters of State law. To use such language, therefore, would raise the same problems we are attempting to avoid in refraining from using negligence as the basic test of liability.

Burden of proof is a variously defined concept. It can mean the burden of going forward with the proof, or the burden which disappears with any proof to the contrary or one that requires substantial proof to overcome the presumption, or even an irrebuttable presumption.

If we get into the procedural aspects of presumptions and reversal thereof, it seems to me we have sown the seeds of very extensive litigation.

That there is in fact the manner in which burden of proof language would be interpreted let me quote from a brief filed by the Maritime Law Association on this very point:

> Further, the liabilities imposed by the two bills are comparable neither in theory nor application. The *prima facie* case established in Section 17(e)(2) of H.R. 4148 would be satisfied by proving that one's acts or omissions did not proximately cause the damage. This initial *burden of evidence* being satisfied, the plaintiff Government, as other plaintiffs, would properly proceed with its *burden of proof* as to the proximate cause of a spill.

It is exactly this procedural quagmire we seek to avoid in S. 7.

Mr. President, a question has been raised concerning the applicability of cleanup liability provisions to facilities to receive super tankers currently being designed and constructed beyond 3 miles of the coast of the United States.

It is my understanding, and I think shared by members of the Committee on Public Works that to the extent liability is not established by other provisions of law the liability established by this act shall apply if any essential part of such facility, such as a pipeline, passes through the navigable waters of the United States. Under the definition of on or offshore facilities of section 12(a)(11) a facility includes "related appurtenances." As used in that definition "related appurtenances" should not be interpreted as meaning only those appurtenances occurring in the navigable waters but to include all essential parts of a particular facility no matter where located. Therefore, a terminal facility beyond 3 miles that has the pipeline or other necessary part passing through the navigable waters can be included in the liability provisions of S. 7.

Mr. MUSKIE. Mr. President, I send to the desk an amendment in the nature of a substitute to title II of S. 7.

The PRESIDING OFFICER. The amendment in the nature of a substitute will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. MUSKIE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection it is so ordered, and the amendment will be printed in the RECORD.

The amendment in the nature of a substitute for title II is as follows:

On page 74, beginning with line 1, strike out all through line 21 on page 80, and insert in lieu thereof the following:

"TITLE II—ENVIRONMENTAL QUALITY

"SEC. 201. This title may be cited as the 'Environmental Quality Improvement Act of 1969'.

"FINDINGS, DECLARATIONS, AND PURPOSES

"SEC. 202. (a) The Congress finds—

"(1) that in the pursuit of social and economic advancement man has caused changes in the environment;

"(2) that the degree of such changes endangers a harmonious relationship between man and his environment;

"(3) that population increases and urban concentration contribute directly to pollution and the degradation of our environment, increasing the severity of the physical, social, psychological, and economic problems of our society; and

"(4) that changes in the environment should be restricted, insofar as possible, to avoid adverse effects on man, other species and the environment itself.

"(b) The Congress declares that there is a national policy for the enviornment ennunciated in laws relating to air, water and land pollution which—

"(1) provides for the enhancement of the quality of our air, water, and land environment;

"(2) recognizes the primary responsibility for implementation of this policy rests with State and local governments; and

"(3) encourages and supports implementation of this policy through appropriate regional organizations.

"(c) The purposes of this title are—

"(1) to assure that each Federal department or agency conducting or supporting public works activities which affect the environment shall implement the policies established under existing law and by the President pursuant to this title; and

"(2) to authorize and to provide staff for an Office of Environmental Quality.

"OFFICE OF ENVIRONMENTAL QUALITY

"SEC. 203. (a) There is established in the Executive Office of the President an office to be known as the Office of Environmental Quality (herein referred to as the "Office"). There shall be in the Office a Director and a Deputy Director who shall be appointed by the President, by and with theadvice and consent of the Senate.

"(b) The compensation of the Director and the Deputy Director shall be fixed by the President at a rate not in excess of the annual rate of compensation payable to the Director and the Deputy Director of the Bureau of the Budget.

"(c) The Director is authorized to employ such officers and employees as may be necessary to enable the Office to carry out its functions under this title.

"(d) In carrying out the provisions of this section the Director shall—

"(1) provide assistance to the President on policies and programs of the Federal Government, including review of existing and proposed projects, facilities and activities, which affect environmental quality, and recommended priorities thereon;

"(2) provide staff and support for any board, council or committee established by the President or authorized by the Congress to coordinate Federal activities which affect policies and programs established to protect and enhance environmental quality;

"(3) review the adequacy of existing systems for monitoring and predicting environmental changes in order to achieve effective coverage and efficient use of research facilities and other resources;

"(4) promote advancement of scientific knowledge of the effects of actions and technology on the environment and encourage the development of the means to prevent or reduce adverse effects that endanger the health and well-being of man;

"(5) assure evaluation of new and changing technologies for their potential effects on the environment prior to their implementation;

"(6) review and comment on the coordination of the programs and activities of Federal departments and agencies which affect, protect, and improve environmental quality;

"(7) review and comment on the development and interrelationship of environmental quality criteria and standards established through the Federal Government; and

"(8) collect, collate, analyze, and interpret data and information on environmental quality and issue reports thereon, as he deems appropriate;

"(9) develop and maintain an inventory of existing and future natural resource development projects, engineering works, and other major projects and programs contemplated or planned by public or private agencies or organizations which make significant modifications in the natural environment;

"(10) establish a system of collecting and receiving information and data on ecological research and evaluations which are in progress or are planned by other public or private agencies or organizations, or individuals; and

"(11) perform such other duties and functions as directed by the President.

"(e) In carrying out the provisions of this section, the Director is authorized to contract with public or private agencies, institutions, and organizations, and with individuals, without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5) for research and surveys regarding any potential or existing problem of environmental quality.

"EFFECT ON EXISTING AUTHORIZATIONS

"SEC. 204. The policies and goals set forth in this title are supplementary to existing authorizations of Federal agencies.

"AUTHORIZATION

"SEC. 205. There are hereby authorized to be appropriated for the fiscal year beginning July 1, 1969, and for each of five succeeding fiscal years, such amounts as may be necessary for the purposes of this title."

Mr. MUSKIE. Mr. President, I will ask for the yeas and nays on the substitute both as an indicator of the Senate's interest in this proposal and as instructions to the Senate conferees to support the agreed-upon compromise language for S. 1075.

The statement I am about to make on title II involves title II of S. 7 and S. 1075, sponsored by the distinguished chairman of the Committee on Interior and Insular Affairs (Mr. JACKSON). The Senator from Washington (Mr. JACKSON) will make a statement to the same effect, which is the essence of our agreement on these two bills.

The substitute amendment for title II of S. 7 is largely similar to the title as reported by the committee. The justifications as discussed in my remarks and the committee report still exist without modification. The language has been modified to assure minimum of overlap or conflict with the proposed version of S. 1075.

. The substance of title II remains the same: all Federal and federally-assisted public works projects would be directed to implement environmental policies established by the President and existing air, water, and land pollution laws; and there would be established in the Executive Office of the President, an Office of Environmental Quality to assist the President in review and development of environmental programs and policies.

As revised, title II of S. 7 no longer provides for establishment of advisory committees by the Director of the Office of Environmental Quality, nor is the Director authorized to conduct a biennial forum on environmental problems. Both of these functions would be transferred to S. 1075 as activities more properly conducted by the Board of Environmental Quality Advisors.

As revised, the Office of Environmental Quality would be available to provide staff support to the Board of Environmental Quality Advisors, the President's Council on Environmental Quality and to the President directly.

Also, the office would carry on certain data collection and analysis functions previously included in S. 1075. This ongoing monitoring function would provide a means of developing needed information to determine potential environmental changes which are caused or could be caused by any activity in which the Federal Government is involved.

The report required under title III of S. 1075 would be transmitted in whole or in part to the committees which traditionally have exercised jurisdiction over the environmental subject matter contained therein. For example, if such a report discusses the problems of air quality, either that section of the report or the report in its entirety would be referred to the Committee on Public Works as well as other committees which might have interest in other portions of the report. This type of distribution to the appropriate congressional committees will provide maximum participation in the development of a meaningful legislative response to the problems posed by this report from the President.

The revisions included in this substitute essentially would clarify the staff role of the Office of Environmental Quality while leaving to Senator JACKSON's proposed Board of Environmental Quality Advisors the function of independent oversight of Federal policies and programs which affect the environment. Because Senator JACKSON will discuss the board's function in some detail. I will confine my remarks to the compromise version of S. 1075 as it relates to title I, the so-called national policy statement.

Mr. President, at this point, I ask unanimous consent that the text of the revised version of S. 1075 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1075

A bill to authorize the Secretary of the Interior to conduct investigations, studies, surveys, and research relating to the Nation's ecological systems, natural resources, and environmental quality, and to establish a Council on Environmental Quality

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. That this Act may be cited as the "National Environmental Policy Act of 1969".

PURPOSE

SEC. 2. The purposes of this Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Board of Environmental Quality Advisers.

TITLE I

DECLARATION OF NATIONAL ENVIRONMENTAL POLICY

SEC. 101. (a) The Congress, recognizing that man depends on his biological and physical surroundings for food, shelter, and other needs, and for cultural enrichment as well; and recognizing further the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances on our physical and biological surroundings and on the quality of life available to the American people; hereby declares that it is the continuing policy and responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may—

(1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(2) assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings;

(3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(b) The Congress recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

SEC. 102. The Congress authorizes and directs that the policies, regulations, and public laws of the United States, to the fullest extent possible, be interpreted and administered in accordance with the policies set forth in this Act, and that all agencies of the Federal Government—

(a) utilize to the fullest extent possible a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment;

(b) identify and develop methods and procedures, subject to review and approval of the Board of Environmental Quality Advisors established by Title III of this Act, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decision making along with economic and technical considerations;

(c) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

(i) the environmental impact of the proposed action;

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented;

(iii) alternatives to the proposed action;

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any established agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, including those authorized to develop and enforce environmental standards, shall be made available to the President, the Board of Environmental Advisors and to the public as provided by 5 U.S.C. 552 and shall accompany the proposal through the existing agency review processes.

(d) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

(e) recognize the worldwide and long-range character of environmental problems and lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment; and

(f) review present statutory authority, administrative regulations, and current policies and procedures for conformity to the purposes and provisions of this Act and propose to the President such measures as may be necessary to make their authority consistent with this Act.

SEC. 103. Nothing in section 102 shall in any way affect the specific statutory obligations of any Federal agency (a) to comply with criteria or standards of environmental quality, (b) to coordinate or consult with any other Federal or State agency, or (c) to act, or refrain from acting contingent

upon the recommendations or certification of any other Federal or State agency.

SEC. 104. The policies and goals set forth in this Act are supplementary to existing authorizations of Federal agencies.

TITLE II

SEC. 201. To carry out the purposes of this Act, the Board of Environmental Quality Advisers is hereby authorized—

(a) to conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality to the extent that such activities do not overlap or conflict with similar activities authorized by law and performed by established agencies;

(b) to document and define changes in the natural environment, including the plant and animal systems, and to accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes; and

(c) to evaluate and disseminate information of an ecological nature to public and private agencies or organizations, or individuals in the form of reports, publications, atlases, and maps.

SEC. 202. To carry out the purposes of this Act, all agencies of the Federal Government in conjunction with their existing programs and authorities, are hereby authorized—

(a) to make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

(b) to initiate and utilize ecological information in the planning and development of resource-oriented projects;

(c) to conduct research and studies within natural areas under Federal ownership which are under the jurisdiction of the Federal agencies; and

(d) to assist the Board of Environmental Quality Advisers established under title III of this Act and any council or committee established by the President to deal with environmental problems.

SEC. 203. There is hereby established in the Office of Science and Technology an additional office with the title "Deputy Director of the Office of Science and Technology." The Deputy Director shall be appointed by the President by and with the advice and consent of the Senate, shall perform such duties as the Director of the Office of Science and Technology shall from time to time direct, and shall be compensated at the rate provided for level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315).

TITLE III

SEC. 301. (a) There is created in the Executive Office of the President a Board of Environmental Quality Advisory (hereinafter referred to as the "Board"). The Board shall be composed of three members who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. Each member shall, as a result of training, experience, or attainments, be professionally qualified to analyze and interpret environmental trends of all kinds and descriptions and shall be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interest of this Nation. The President shall designate the Chairman and Vice Chairman of the Board from such members.

(b) Members of the Board shall serve full time and the Chairman of the Board shall be compensated at the rate provided for Level II of the Executive Schedule Pay Rates (5 U.S.C. 5313). The other members of the Board shall be compensated at the rate provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315).

SEC. 302. (a) The primary function of the Board shall be to study and analyze environmental trends and the factors that effect these trends, relating each area of study and analysis to the conservation, social, economic, and health goals of this Nation. In carrying out this function, the Board shall—

(1) report at least once each year to the President on the state and condition of the environment;

(2) provide advice, assistance, and support to the President on the formulation of national policies to foster and promote the improvement of environmental quality; and

(3) obtain information using existing sources, to the greatest extent practicable, concerning the quality of the environment and make such information available to the public.

(b) The Board shall periodically review and appraise Federal programs, projects, activities, and policies which affect the quality of the environment and make recommendations thereon to the President.

(c) It shall be the duty and function of the Board to assist and advise the President in the preparation of the annual environmental quality report required under section 303.

(d) The Board shall carry out its duties under the provisions of this Act at the direction of the President and shall perform whatever additional duties he may from time to time direct.

SEC. 303. (a) The President shall transmit to the Congress, beginning June 30, 1970, an annual environmental quality report which shall set forth: (a) the status and condition of the major natural, manmade, or altered environmental classes of the Nation; and (b) current and foreseeable trends in quality, management, and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Nation.

(b) Such report shall be referred in whole or in part to the committees of each house of the Congress which have exercised jurisdiction over the subject matter contained therein.

SEC. 304. (a) In order to obtain assistance and independent advice in the development and implementation of the purposes of this title, the Board may from time to time establish advisory committees. Committee members shall be selected from among representatives of various State, interstate, and local government agencies, of public or private interests concerned with population growth, environmental quality, and planning for the future, and of the other public and private agencies demonstrating an active interest, as well as other individuals in the fields of population, biology, medical sciences, psychology, social sciences, ecology, agriculture, economics, law, engineering, and political science, who have demonstrated competence with regard to problems of the environment.

(b) The members of the advisory committees appointed pursuant to this title shall be entitled to receive compensation at a rate to be fixed by the Board, but not exceeding $100 per diem, including traveltime, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

(c) The Board shall organize and convene a biennial forum on current problems and issues concerning environmental quality, population, and the future, and publish the proceedings thereof, and participants in such forums shall be selected from among representatives of various State, interstate, and local government agencies, of public or private interests concerned with population growth, environmental quality, and planning for the future, and of other public and private agencies demonstrating an active interest, as well as other individuals in the fields of population, biology, psychology, medical sciences, social sciences, ecology, agriculture, economics, law, engineering, and political science who have demonstrated competence with regard to problems of the environment.

SEC. 304. The Board may employ such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Board may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this Act, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

SEC. 305. There are hereby authorized to be appropriated $1,000,000 annually to carry out the purposes of this title.

Amend the title so as to read: "A bill to establish a national policy for the environment; to authorize studies, surveys, and research relating to ecological systems, natural resources, and the quality of the human environment; and to establish a Board of Environmental Quality Advisers."

Mr. MUSKIE. Mr. President, as Senators are aware, the Subcommittee on Air and Water Pollution has been examining specific air, water, and solid waste pollution problems since its creation in 1963. It is worthy of note that the subcommittee has heard over 1,100 witnesses and accumulated 15,877 pages of testimony in the past 6 years on environmental matters. Prior to that time, and as far back as 1899, the Committee on Public Works and its predecessors have initiated or handled pollution control legislation.

The fact that the Nation has a capacity to deal with air pollution, water pollution, and to a lesser extent, solid wastes, is due in a large part to the activities of this subcommittee and the continued, unanimous support of the Committee on Public Works.

The legislation which has been enacted on these subjects is indicative of two important trends in the Nation's concern for the quality of its environment; first, that we are willing to make a commitment of our financial resources to finding and applying solutions to difficult pollution problems; and second, that there is a need for orderly pollution control procedures, both in identifying the extent of control required and in establishing implementation programs.

The philosophy of air and water quality legislation has been first to develop the criteria which indicate the effects of pollutants on the various aspects of the public health and welfare and then to apply available, feasible control technology. This philosophy has been based on two elemental concepts—that only those measures which were designed to enhance air and water quality would be acceptable and that local and State government have the prime responsibility to implement those measures.

It was against this background of study, hearings, discussion and legislation that members of the subcommittee became concerned with the potential interpretation of title I of S. 1075, as passed by the Senate. Section 102(c) of the bill would require every Federal agency to include as a part of any legislative proposal, report on legislation or any major action, which has a significant effect on the quality of the environment, a finding of environmental impact, adverse

environmental effects, commitments of resources, and other potential justifications for the legislation or activity.

The concept of self-policing by Federal agencies which pollute or license pollution is contrary to the philosophy and intent of existing environmental quality legislation. In hearing after hearing agencies of the Federal Government have argued that their primary authorization, whether it be maintenance of the navigable waters by the Corps of Engineers or licensing of nuclear powerplants by the Atomic Energy Commission, takes precedence over water quality requirements.

I repeat, these agencies have always emphasized their primary responsibility making environmental considerations secondary in their view.

It is for this reason that the legislation pending before the Senate includes a provision which would require water quality compliance by Federal agencies in both their own activities and the activities in which they are involved. Section 16 of S. 7 would require water quality compliance as a precondition of Federal activities; it would not leave the determination of water quality effects to the polluter. By requiring compliance certification from the water pollution control agency, section 16 would assign policing responsibility to those agencies most qualified to make an environmental decision and not to those committed to carrying out some other function at minimum cost.

The proposed compromise language developed for section 102(c) clearly indicates the extent to which the polluter is involved in determining environmental effects. This language eliminated the requirement that a "finding" be made but provides that environmental impact be discussed as a part of any report on legislation, or any decision to commence a major activity. The requirement that established environmental agencies be consulted and that their comments accompany any such report would place the environmental control responsibility where it should be.

Other provisions of the compromise on S. 1075 include elimination of the requirement that the President designate a lead agency to conduct data collection and make grants to carry out the purposes of the act. To a large extent these functions are either presently delegated to existing agencies or would be carried on by the office of environmental quality.

Mr. President, S. 1075 brings into focus the Senate's continuing concern for the quality of the Nation's environment. S. 1075 focuses attention on an environmental need which is not included in either bill pending before the Senate today and is only covered in part by existing legislation.

The Clean Air Act and the Federal Water Pollution Control Act provided for specific development of criteria which define the impact of water and air pollutants on health and welfare. Pending solid waste legislation would require the same type of systematic analysis of the relationship of pollutants to the land environment.

On the basis of these criteria, standards of environmental quality have been and are being developed. But obviously criteria and standards designed to protect and enhance the quality of our air and water and enhance our ability to deal with our solid wastes in an orderly, efficient, and healthful manner do not provide an effective or orderly manner to consider all forms of environmental degradation. For example, there are no criteria which indicate the various levels of noise which affect the health and welfare of people nor are there criteria on which local or even national esthetic judgments can be based.

We need to begin to focus our attention on developing legislation which will provide for the development of criteria which would indicate the effects of a nuclear test on a wildlife refuge or the effects of development of a permafrost region on the ecology of the area.

We cannot afford to fight out environmental battles on a crisis-by-crisis basis not can we afford to shut down tomorrow on the basis of today's fears. By development of meaningful methods of measurement of environmental impact, through development of standards-setting procedures at the local level, through careful analysis of existing and future land uses, we can begin to order our progress without environmental chaos.

Mr. President, it is in the spirit and with this approach in mind that the distinguished Senator from Washington (Mr. JACKSON), the ranking Republican, the distinguished Senator from Colorado (Mr. ALLOTT), the distinguished Senator from Delaware (Mr. BOGGS) and myself from the Public Works Committee, as well as the Senator from West Virginia (Mr. RANDOLPH), the chairman of the full committee, have undertaken to resolve our differences with respect to the relationship of S. 7 and S. 1075.

I think that we have succeeded in doing so in a way which does violence to neither and which advances the broad objectives which we both seek to serve.

Mr. JACKSON. Mr. President, I fully agree with the purposes of section 16(c) of S. 7. It is my understanding that there was never any conflict between this section and the provisions of S. 1075. If both bills were enacted in their present form, there would be a requirement for State certification, as well as a requirement that the licensing agency make environmental findings.

The compromise worked out between the bills provides that the licensing agency will not have to make a detailed statement on water quality if the State or other appropriate agency has made a certification pursuant to section 16(c).

Mr. AIKEN. Mr. President, I commend the Senator from Maine for bringing out this bill; it goes a long way toward cleaning up some forms of stream pollution with which we are afflicted. What I particularly wish to ask him is, am I correct in assuming that under the new section 16, all nuclear power plants are covered, but only some of the conventional fuel power plants are covered?

Mr. MUSKIE. That is correct. As conventionally fueled powerplants increase in size, they will be increasingly subject to certificate by reason of the need to obtain a permit from the Corps of Engineers for one reason or another.

I think the Senator from Vermont might like me to read into the RECORD at this point testimony by Mr. Ramey, Commissioner of the Atomic Energy Commission, on this point.

Mr. AIKEN. Yes.

Mr. MUSKIE. This testimony reads as follows:

> We have been informed that a substantial percentage of conventionally fueled plants of the larger sizes—sizes comparable to the currently popular sizes of nuclear plants—need some sort of Federal permission.
>
> For example, we understand from an examination of data developed by the Corps of Engineers that during 1967, 12 conventionally fueled plants over 400 megawatts—electrical—in size went on the line.
>
> Of these 12 relatively large sized plants, eight or 66⅔ percent, required and had secured a Federal permit.
>
> Seven of the plants required a permit from the Corps of Engineers because their construction plans included structures on navigable waters; one plant had intake and outfall structures located on U.S.-owned land and required a permit.
>
> One additional plant was built by the Tennessee Valley Authority and did not require a permit.

This suggests, I think, some of the reasons why the proposed legislation might apply to some of the larger fossil fuel plants but might not apply to all of them.

Mr. AIKEN. I think that is a sound explanation. It is well to go as far as the bill goes in that direction. I am sorry it cannot cover all of the smaller fossil fuel plants.

The real reason I asked the question is that we hear various propaganda which is designed to alarm the people and cause them to believe that only atomic powerplants create thermal pollution. That, of course, is not true. According to information furnished by the Federal Water Pollution Control Administration. There were 10 cases of fish kill caused by discharge from power generating plants during the years 1962 to 1968. Every one of them was from a conventional powerplant. To date, to my knowledge there has been no case whatever of fish kill being caused by thermal discharges from a nuclear powerplant. I wanted to make that clear.

Yesterday I submitted two amendments in somewhat of a hurry, and they were printed. Upon further study of the situation, I realized that probably the bill which the Senator from Maine is now sponsoring would go as far as possible to go legislatively at this time and therefore I will not call up these amendments.

I have one other question. It is about a matter which disturbs me considerably, in that apparently the certification procedure in the bill does not cover all industrial plants. We have had experiences in my State with paper mills, tanneries, and other types of industrial plants which contribute heavily to the pollution of our lakes and rivers. To what extent, if any, will the bill cover that type of pollution?

Mr. MUSKIE. It will cover it in one possible respect and in another clear respect. To the extent that any large in-

dustrial plant might require a permit from the Corps of Engineers because of intrusion upon navigation, that permit will make the industry subject to section 16.

But beyond that, the procedures established by the Water Quality Act of 1965, the Secretary of the Interior is in a position to assume leadership by requiring the setting of standards by the States to deal with thermal pollution from all sources. That authority is on the books. The States are required, under that legislation, to set standards.

I think this RECORD might be a good place in which to urge the Secretary to use his mandate and begin tightening these standards.

As the Senator from Vermont probably knows, water quality standards have been set pursuant to the Water Quality Act of 1965. We have used the section 16 approach in order to put the Federal Government's house in order. This, we hope, will be followed by the States, in order to enforce their own water quality standards.

Mr. AIKEN. I think some of the Federal agencies can stand some improvement in this respect. The reason I raised the question at this time is that there are so many different types of industrial plants which I do not believe are covered.

For a long time there has been a paper mill on the New York side of Lake Champlain. Vermont has, I think, pretty good water quality standard laws. New York has only recently tightened its standards. But before anything was done, probably the lower quarter of Lake Champlain had become so contaminated that the people who live on the Vermont side could not use the water for domestic purposes. Of course, for a long time the Vermont standards were much higher than they were across the lake, in New York.

Now the paper company on the New York side of Lake Champlain is building a very large mill, just up the lake from the old mill. Their representatives have told me that they will use about a thousand cords of hardwood a day. That is a very sizable mill. When the paper company representatives came to see me, they told me, that they can control, and plan to control the waste and contamination from the mill which would otherwise, as it did from the old mill, have emptied practically untreated into the lake. They now plan to recover the fiber, and possibly the chemicals, and other matter which contribute to pollution. I do not know how far they will go, and I hope they are right. I am watching the situation closely.

The new mill has been granted a license by the Corps of Engineers to construct an intake and outfall pipe into Lake Champlain.

One thing which caused me to be a little apprehensive was that in looking at the plans, I found that the discharge pipe from the paper mill empties on the Vermont side of the lake. I wanted to be sure that this bill could correct a situation like that, in the event that the mill does not control all the population which it will create.

Mr. MUSKIE. These discharges would be controlled by the Water Quality Act and the standards that have been set under that act by both States. If those standards are not adequate, I should think that the appropriate State agencies ought to review and revise them.

Mr. AIKEN. Assuming that the pollution is not controlled and that it is emptied on the Vermont side of the lake or the New York side for that matter, what recourse would Vermont have then? Of course, it is Federal water anyway, but how could the State control any possible pollution? Under the Senator's bill, would the Federal Government enter the picture and require the enforcement of the law?

Mr. MUSKIE. The enforcement provisions of the 1965 act would be applicable.

Mr. AIKEN. I hope the Senator is correct.

Mr. MUSKIE. The bill now before us would not be needed to deal with that situation.

Mr. AIKEN. The paper company officials insists that they will have the situation under control so that the amount of pollution will be almost zero. It will be a great step forward if that is done.

Mr. MUSKIE. The Senator from Vermont and I have had considerable experience with this kind of situation in the past. I think the best point in time at which to make sure is before the plant is built.

Mr. AIKEN. Many of the people of Vermont depend on the water of Lake Champlain for domestic purposes. We have large water systems which draw water from the lake for distribution to many farms and homes.

I shall not insist on offering my amendments because, frankly, I do not know how far the Senator's bill will go. But I hope it will go a long way toward correcting situations which never should be permitted to exist.

Mr. MUSKIE. The bill represents what we believe is a meaningful first step in dealing with thermal as well as other pollution, and we intend to consider future amendments to cover situations included in the Senator's amendments, to the extent they may not now be covered.

Mr. AIKEN. Let me assure the Senator from Maine that I will be delighted to cooperate with him in securing effective legislation.

Mr. MUSKIE. I thank the Senator from Vermont.

Mr. JACKSON. Mr. President, first of all, I compliment the able and distinguished Senator from Maine (Mr. MUSKIE) for his very fine statement. He has indicated that we have been able to work out the differences—in which I concur—in a way which is satisfactory to both committees. More important, of course, is the fact that this agreement will be extremely helpful in seeing to it that appropriate legislation is enacted in this all-important area of environment administration.

I express my appreciation to the distinguished Senator from Maine, the chairman of the subcommittee, who has been handling these matters. I also want to express my appreciation to the chairman of the full committee, the Senator from West Virginia (Mr. RANDOLPH), who has taken a keen interest in this matter.

We have had a number of discussions on the minority side with the able and distinguished Senator from Colorado (Mr. ALLOTT), the ranking minority member, who has followed all this closely and has been extremely helpful, especially to the chairman of the Committee on Interior and Insular Affairs, in trying to work out an appropriate solution to this problem. I express to him my deep appreciation for his support.

Mr. President, a number of questions have been raised in recent days regarding the relationship between S. 1075, the National Environmental Policy Act of 1969, which was passed by the Senate on July 10 and by the House on September 23, and title II of S. 7, the Water Quality Improvement Act of 1969 now before the Senate.

All of these questions have been carefully considered by the respective chairmen and by other concerned members of the Public Works Committee and the Interior and Insular Affairs Committee.

As a result of a review and a comparison of the two measures it has been agreed that an effort will be made to modify the provisions of title II of S. 7 by offering an amendment in the nature of a substitute. In addition, it has been agreed that the Senate conferees of S. 1075 will seek to have certain changes incorporated into the provisions of S. 1075 when that measure is considered by the conference committee.

The agreement on this matter was made after it was discovered that the Interior Committee and the Senate had acted and that the Senate was about to act upon different, but, in some respects, parallel legislative proposals which involve the creation of new governmental institutions for the overview and administration of Federal programs related to the management of the Nation's environment. This duality of effort by the two committees does not, as I understand it, involve any direct conflict in purpose or intent. Both measures can, however, be improved in some respects by adoption of the agreed-upon changes. For the most part, these changes are designed to insure that duplication of effort does not occur and that congressional directives to the executive branch in the two proposals are consistent.

The proposed changes are reflected in the amendment in the nature of a substitute to title II of S. 7 which has been introduced, and in a copy of S. 1075 which will be printed in the RECORD when the motion is made later today to disagree to the amendments of the House to S. 1075 and to agree to the conference requested by the House.

Mr. President, this rather unusual procedure is, in part, the outgrowth of some basic and still unresolved questions relating to the jurisdiction of the standing committees of both Houses of the Congress on legislative matters relating to Federal policies on preserving and main-

taining the quality of man's environment. The historic committee jurisdiction on routine legislation—air and water pollution legislation, outdoor recreation proposals, minerals policy, rivers and harbors projects, and so forth—has been long established and, insofar as I am aware, is not challenged.

In new and emerging areas of legislative concern, however, the die has not been cast, and many different committees of the Congress have quite properly expressed interest. Examples here include weather modification, national land-use planning, the establishment of policies for the resources of the Outer Continental Shelf, some areas of water resource policy, and policies related to the management of man's environment.

In these areas, jurisdiction is either shared by committees or it has gravitated by the force of precedent to the committee or committees which have actively participated in hearings on the particular subject matter involved.

With respect to legislation related to "pollution control" it is clear that the Public Works Committee has exercised jurisdiction and will continue to have jurisdiction over future proposals related to air, water, and solid waste pollution. Legislative jurisdiction over "pollution control" does not, however, mean that the Public Works Committee—or any other committee—has jurisdiction over all matters which relate to maintaining and improving the quality of the human environment. Maintaining and improving the quality of the surroundings and the quality of life enjoyed by the American people is a basic and fundamental task of all the committees of Congress and of all of the agencies of the executive branch.

The Senate Interior Committee has historically played a very large and a very important role in this area. The legislation handled by the committee and enacted by the Congress over the past 10 years shows the scope of the Interior Committee's role and the diligence with which it has been pursued.

The committee has approved the following general legislation in recent years: the National Water Commission Act, the Water Resources Planning Act, the Water Resources Research Act, the Federal desalting program, the Federal Water Projects Recreation Act, the land and water conservation fund, the Public Land Law Review Commission Act, the reclamation program, the Wilderness Act, the Wild and Scenic Rivers Act, and many other general measures related to resource, environmental, and land use policies.

In addition, over the past few years, the committee has approved measures to set aside for future generations four new national parks, eight new national recreation areas, nine new national seashores and lakeshores, almost 100 new wilderness areas, national monuments and historic sites. All of these measures relate to the quality of the human environment.

The committee's legislative activities over the past 10 years in the area of new governmental institutions and policies for resource and environmental management are set out in the legislative history section of the committee's report on S. 1075.

The important role played by the Interior Committee in preserving, protecting, and improving the quality of the environment does not, however, give the Interior Committee predominant jurisdiction in this area.

The concept of "environment," like that of "economics" cuts across the jurisdiction of all congressional committees. Actions taken by the Finance Committee, for example, on depreciation, charitable contributions, foundations, and the taxation of trusts will have a major impact on the future role private enterprise and individual action will play in preserving our environment for future generations. The same may be said with respect to other committees: the Commerce Committee's action on the development of an estuarine program, a transportation policy, and an alternative to the internal combustion engine; the Agriculture Committee's actions on pesticide control, soil erosion, and the development of new opportunity in rural America; the Banking and Currency Committee's activities in the development of urban programs; and the activities of many other committees of the Congress.

It is clear that all committees have an important role to play in this area. The Legislative Reference Service tabulated over 100 bills in the 90th Congress which were directly concerned with environmental issues. In the present Congress there are even more. Recent reports indicate that of the 16 standing committees of the Senate, eight have broad jurisdiction in this area. Of the 21 House standing committees, 11 are similarly involved.

On a subject so pervasive, broad, and important as "environment" and the "quality of life," no committee may exercise exclusive jurisdiction. It is also clear that there is a need to give specialized and regularized consideration to these subjects. Because of this need, I have proposed, and I plan to join with other Members of the Senate and, I hope, Members of the House of Representatives, to sponsor and to advance legislation to establish a nonlegislative joint committee on the environment.

The enactment of S. 1075 and S. 7 will give the Nation an environmental policy as well as appropriate governmental structures in the executive branch to implement the policy. The next logical step, in my view, is to insure that the legislative branch has an institution equally well adapted to provide continued oversight on environmental matters. A joint committee would provide such an institution.

During my service on the Interior Committee, I have found that the lack of an overall national policy on the environment often frustrates efforts to preserve, protect and to improve man's surroundings. A recent example may be seen in connection with the water supply and jet airport controversy which currently threatens the existence of the Everglades National Park. Under present law, the Corps of Engineers and the Department of Transportation apparently do not have a clear statutory mandate to see that the environmental and natural values found in the park are not damaged or endangered by their flood control and transportation activities.

It is my belief, based on extensive committee hearings, that the problems associated with the Everglades could have been avoided if there had existed a clear statement of goals and procedures designed to make clear that all Federal agencies have a responsibilty for the preservation and protection of environmental values. S. 1075, as passed by the Senate, clearly states the Nation's goals and the responsibilities of all Federal agencies with respect to the maintenance of a safe, healthy, productive and esthetically pleasing environment. Enactment of S. 1075 will prevent many of the environmental problems caused by Federal agencies and their activities.

The Interior Committee has experienced similar problems in other contexts. The controversy over the construction of dams in the Grand Canyon, for example, could have been resolved at a much earlier date if the Department of the Interior had been required to present Congress with alternative proposals where, as in that case, there were unresolved major environmental conflicts. Section 102(d) of S. 1075 would go far toward resolving such problems by requiring the development and presentation of alternatives in all future legislative reports on measures involving major unresolved environmental conflicts.

Other basic provisions of S. 1075 are also designed to minimize the conflict between resource development and the maximization of environmental values. Subsection 102(a) requires all agencies to utilize the expertise and learning of all relevant disciplines in planning and decisionmaking on actions which may have an adverse impact on man's environment. Subsection 102(b) requires the development of procedures designed to insure that all relevant environmental values and amenities are considered in the calculus of project development and decisionmaking. Subsection 102(c) establishes a procedure designed to insure that in instances where a proposed major Federal action would have a significant impact on the environment that the impact has in fact been considered, that any adverse effects which cannot be avoided are justified by some other stated consideration of national policy, that short-term uses are consistent with long-term productivity, and that any irreversible and irretrievable commitments of resources are warranted.

The agreed-upon changes mentioned previously would change the language of some of these requirements, but their substance would remain relatively unchanged.

The provisions of S. 1075 are designed to establish a policy and a set of planning procedures which will prevent instances of environmental abuse and degradation caused by Federal actions before they get off the planning board. It is my hope that the House will accept these provisions in conference committee on S. 1075.

If enacted, titles I and II of S. 1075 will give all agencies a mandate, a responsibility, and a meaningful tool to insure that the quality of America's future environment is as good or better than today's. Departments such as the Departments of Defense, Transportation, Commerce, and Housing and Urban Development will then no longer have an excuse for ignoring environmental values in the pursuit of narrower, more immediate, mission-oriented goals. Agencies such as the Atomic Energy Commission which now contend they have no legislative authority to consider environmental values will be given the authority, the responsibility, and a directive to do so. In view of the recent public concern over AEC activities in connection with Project Bronco and the Amchitka test, it is time that AEC be given a larger mandate against which to weigh the environmental impact of its planned and proposed activities. The same is true of many other agencies.

Mr. President, I ask unanimous consent that a comparision of the present provisions of S. 1075 as passed by the Senate, S. 7 as reported by the Public Works Committee, and S. 1075 as amended by the House be printed in the RECORD at the conclusion of my remarks. I also ask unanimous consent that a memorandum discussing the agreed-upon changes in S. 1075 and title II be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibits 1 and 2.)

Mr. JACKSON. Mr. President, the purpose of the agreed-upon changes is to avoid duplication and to avoid any inconsistent directives to agencies in the executive branch. Some of the changes insure that there will be coordintaion between agencies and that appropriate agencies will be given an opportunity to comment upon activities of other agencies which may have adverse environmental consequences. A new proposed section 103 in S. 1075 would be added to make explicitly clear that section 102 does not in any way effect the specific statutory obligations of Federal agencies to comply with environmental standards, to coordinate their activities, or to condition their actions upon and State or Federal certifications now required by law or which may be required by law. The language of this section is designed to insure that the provisions of section 16, and particularly section 16(c) of S. 7 are consistent with the requirements of section 102 of S. 1075. Section 16(c) of S. 7 would have the effect of exempting the Corps of Engineers, the Atomic Energy Commission, and some other agencies from the requirement in S. 1075 for a detailed statement on the environmental impact of proposed actions involving any discharge into the navigable waters of the United States. Under the terms of section 16(c) of S. 7 as now drafted, the State or other appropriate organization would be charged with certifying that any discharge in substantial compliance with appropirate water quality standards. This certification would be a condition precedent to obtaining any Federal license or permit required by law before making and discharges into the navigable waters of the United States.

Mr. President, the major precepts of an environmental policy are not controversial though, as we have found over the past few weeks, the specific language may be difficult to draft. What is involved is a declaration that we do not intend, as a government or as a people, to initiate actions which endanger the continued existance or the health of mankind. That we will not intentionally initiate actions which will do irreparable damage to the resources which support life on earth.

An environmental policy is a policy for people. Its primary concern is with man and his future. The basic principle of the policy is that we must strive, in all that we do, to achieve a standard of excellence in man's relationships to his physical surroundings. If there are to be departures from this standard they will be exceptions to the rule and the policy. And as exceptions they will have to be justified in the light of public scrutiny.

S. 1075 as passed by the Senate, and with the changes which have been agreed upon, will provide the American people with a policy that is in the best interests of present and future generations. I am hopeful that the major provisions of this policy will emerge from the conference committee.

EXHIBIT 1

COMPARISON OF ENVIRONMENTAL QUALITY MEASURES

S. 1075	S. 7	H.R. 12549 (S. 1075 AS AMENDED)
Title	*Title*	*Title*
National Environmental Policy Act of 1969.	Environmental Quality Improvement Act of 1969 (Title II).	An Act to provide for the establishment of a Council on Environmental Quality.
Declaration of policy	*Declaration of policy*	*Declaration of policy*
Six-part Congressional declaration of policy (sec. 101(a)).	Statement of environmental problems and citation of existing statutes (section 202(a) and (b)).	Brief statement of policy.
Recognition of environmental rights	*Recognition of environmental rights*	*Recognition of environmental rights*
Congress recognizes right of persons to healthful environment (sec. 101(b)).	No provisions.	No provision.
Directions to Federal agencies as follows:	*Directions to Federal agencies as follows:*	*Directions to Federal agencies as follows:*
Congress authorizes and directs all Federal agencies to perform functions and make certain findings in support of the policy (sec. 102)	Public works agencies are directed to implement the policies established by the President pursuant to the Act (Sec. 203).	No provision. (Council to make recommendations.)
All agencies shall:		
1. Interdisciplinary approach	*1. Interdisciplinary approach*	*1. Interdisciplinary approach*
1. Utilize itnerdisciplinary approach to planning and decision-making (sec. 102(a)).	No provision.	No provision.
2. Environmental values	*2. Environmental values*	*2. Environmental values*
2. Develop methods to include presently unquantified values in decisions (sec. 102 (b)).	No provision.	No provision.
3. Make findings	*3. Make findings*	*3. Make findings*
3. Must make findings in connection with proposals and decisions that:	No provision.	No provision.
a. environmental impact		
(a) Environmental impact has been considered.		
b. adverse effects		
(b) Adverse effects are justified.		

S. 1075	S. 7	H.R. 12549 (S. 1075 AS AMENDED)
c. short-term uses (c) Short-term uses are consistent with long-term productivity.		
d. irreversible commitments (d) Irreversible commitments are justified.		
4. Alternatives 4. Study and present alternatives where conflicts occur.	*4. Alternatives* No provision.	*4. Alternatives* No provision.
5. International effects 5. Support international programs for the environment.	*5. International effects* No provision.	*5. International effects* No provision.
6. Present authority 6. Review existing statutory authorities and recommend legislation to conform to this Act.	*6. Present authority* No provision.	*6. Present authority* No provision.
Supplement to existing enabling acts Act is made supplementary to existing mandates and authorizations of Federal agencies (sec. 103).	*Supplement to existing enabling acts* No provision.	*Supplement to existing enabling acts* Nothing in act shall change existing authorities (sec. 9).
Data collection and dissemination Federal agencies are authorized to collect and disseminate environmental and ecological data (sec. 201).	*Data collection and dissemination* No provision.	*Data collection and dissemination* No provision.
Grant program The President is authorized to designate agencies to: 1. Administer a grant program (sec. 202 (a) (1)).	*Grant program* Contract authority vested in office (sec. 204(e)).	*Grant program* No provision.
Project inventory 2. Inventory resource projects (sec. 202 (a) (2)).	*Project inventory* No provision.	*Project inventory* No provision.
Ecological research 3. Collect ecological research data (sec. 202 (a) (3)).	*Ecological research* No provision.	*Ecological research* No provision.
Assistance to States 4. Assist State (sec. 202(a) (4)).	*Assistance to States* No provisions. (Office will consult, sec. 204(c) (11).)	*Assistance to States* No provisions. (Council will consult, sec. 7(a)).
Deputy Director for Office of Science and Technology Establishes new Deputy Director in OST (sec. 203).	*Deputy Director for Office of Science and Technology* No provision.	*Deputy Director for Office of Science and Technology* No provisions.
Board of Environmental Quality Advisors (Council, Office) Creates a 3-man Board in the Executive Office of the President. Appointed by President with advice and consent of Senate (sec. 301).	*Board of Environmental Quality Advisors (Council, Office)* Creates an Office of Environmental Quality in Executive Office of President. Director and Deputy appointed by President with advice and consent of Senate. Compensation keyed to salary of Director and Deputy Director of Bureau of the Budget (sec. 204 (a) and (b)).	*Board of Environmental Quality Advisors (Council, Office)* Creates a Council of Environmental Quality in Executive Office of President. Composed of 5 members appointed by President (sec. 3).
1. Annual report to President 1. Make annual report to the President (302 (a) (1)).	*1. Annual report to President* No provision.	*1. Annual report to President* Make annual report to President (sec. 6).
2. Assist President 2. Advise, assist, and support President (302(a) (2)).	*2. Assist President* 2. Advise and Assist President (sec. 204 (c) (1)).	*2. Assist President* 2. Prepare reports as President directs (sec. 5(e)).
3. Collect data 3. Collect and disseminate information on environmental quality (sec. 302(a) (3)).	*3. Collect data* No provision.	*3. Collect data* 3. Gather data and prepare reports (sec. 5(b)).
4. Review Federal activities 4. Review, appraise and make recommendations concerning Federal programs, projects, activities, and policies (302(b)).	*4. Review Federal activities* 4. Review, appraise, and make recommendations on proposed projects, facilities, programs, policies and activities of certain agencies (sec. 204(c) (3)).	*4. Review Federal activities* 4. Appraise programs and activities (sec. 5(c)).
5. Assist in President's report to Congress 5. Assist President in preparation of annual report on the environment (sec. 302 (c).	*5. Assist in President's report to Congress* No provision.	*5. Assist in President's report to Congress* 5. Assist and advise President in preparing annual report (sec. 5(a)).
6. Other assignments 6. Other duties directed by President (sec. 302(d)).	*6. Other assignments* No provision.	*6. Other assignments* 6. Make such studies as requested (sec. 5(e)).
7. Support Cabinet Council 7. All Federal agencies (sec. 201(g)).	*7. Support Cabinet Council* 7. Provide staff and support for Cabinet Council (sec. 204(c) (2)).	*7. Support Cabinet Council* 7. No provision.

S. 1075	S. 7	H.R. 12549 (S. 1075 AS AMENDED)
8. Review monitoring system	*8. Review monitoring system*	*8. Review monitoring system*
8. President designates agency (sec. 202 (a)(3)).	8. Review existing environmental monitoring system (sec. 204(c)(4)).	8. No provision.
9. Promote knowledge	*9. Promote knowledge*	*9. Promote knowledge*
9. All Federal agencies (sec. 201(a)).	9. Promote advancement of scientific knowledge and methods (204(c)(5)).	9. No provision.
10. Develop policies	*10. Develop policies*	*10. Develop policies*
10. Board to assist President (sec. 302 (a)(2)).	10. Develop policies and programs (sec. 204(c)(6).	10. Develop and recommend policies (sec. 5(d)).
11. Recommend priorities	*11. Recommend priorities*	*11. Recommend priorities*
11. No provision.	11. Recommend priorities (sec. 204(c)(7)).	11. No provision.
12. Evaluate techniques	*12. Evaluate techniques*	*12. Evaluate techniques*
12. All agencies (sec. 102(b)).	12. Assure evaluation of new technologies (sec. 204(c)(8)).	12. No provision.
13. Coordinate programs	*13. Coordinate programs*	*13. Coordinate programs*
13. Board reviews programs (sec. 302(b)).	13. Review and comment on coordination of programs (sec. 204(c)(9)).	13. No provision.
14. Review criteria	*14. Review criteria*	*14. Review criteria*
14. Board reviews policies (sec. 302(b)).	14. Review and comment on environmental standards (sec. 204(c)(10)).	14. No provision.
15. Consult with state and local government	*15. Consult with state and local government*	*15. Consult with state and local government*
15. All agencies advise states, counties, etc. (sec. 201(d)).	15. Consult with and advise state and local governments (sec. 204(c)(11)).	15. Consult with state, local and private groups (sec. 7(a)).
Annual report to Congress	*Annual report to Congress*	*Annual report to Congress*
President shall submit report to Congress (sec. 303).	Director reports to Congress annually on progress (sec. 204(f)(1)). Other reports as he deems necessary (sec. 204(f)(2)).	President shall transmit to the Congress (sec. 2).
Employment of officers	*Employment of officers*	*Employment of officers*
Board may employ (sec. 304).	Director may employ (sec. 204(c)).	Council may employ (sec. 4).
Appropriations	*Appropriations*	*Appropriations*
For grant programs, $500,000 first year, $1 million each successive year (sec. 202(b)). For Board—$1 million annually (sec. 305).	Open ended (sec. 206).	$300,000 for first year. $500,000 for second year. $1 million annually thereafter (sec. 10).
Biennial forum	*Biennial forum*	*Biennial forum*
No provision.	Director to convene a biennial forum on current environmental problems and issues (sec. 204(f)(3)).	No provision.
Advisory committees	*Advisory committees*	*Advisory committees*
No provision.	Director shall establish committees of part-time advisers as he deems appropriate (sec. 205).	No provision.

EXHIBIT 2

AGREED-UPON CHANGES IN S. 7 AND S. 1075

TITLE II OF S. 7 AND THE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The amendment in the nature of a substitute would make the following changes in Title II of S. 7 as reported by the Public Works Committee.

1. Section 202(b) would be stricken and new language inserted. This section had declared that is a national policy for the environment found in certain Acts previously considered by the Public Works Committee. The amendment in the nature of a substitute states that there is a policy and states this policy in general terms as being "the enhancement of the quality of our air, water and land environment."

2. Section 202(c) is rewritten to state that the purposes of this title are to assure that each Federal agency supporting public works activities which affect the environment implement existing policies and policies established by the President pursuant to this title.

3. Section 203 is stricken and its substance is incorporated into section 202(c).

4. Section 204 is changed to Section 203. This section establishes an Office of Environmental Quality.

Subsection (d) of section 203 which sets forth the duties of the Director of the Office has been substantially revised. The purpose of these revisions is to insure that the duties and functions performed by the Office and the Board of Advisors established by title III of S. 1075 are consistent and do not result in duplication, over-lap or conflict.

Subsections 203(d) (3), (6), (7), and (11) have been deleted because these duties are more appropriately functions to be performed by the Board of Environmental Advisors established by S. 1075. Subsections 203(d)(1) and (2) have been rewritten to clarify the type of assistance, staff and support the Office would give the President and other councils or committees charged with environmental responsibilities. Subsections 203(d)(2) recognizes that Congress may soon establish a Board of Environmental Advisors as proposed in title III of S. 1075.

The new subsection 203(d)(8) was drawn from subsection 203(f) which would be stricken.

Subsections 203(d)(9) and (10) were taken from subsections 202(a) (2) and (3) of S. 1075. These functions of data collection and inventory systems are more appropriately duties of an Office than of a semi-independent Board of Environmental Advisors.

5. Subsection 204(f) and Section 205 of Title II of S. 7 are deleted and the authority to convene a biennial forum on environmental problems and to establish advisory committees is vested with the Board of Advisors established by Title III of S. 1075.

6. A new section 204 making the provisions of this Act supplementary to existing authorizations of Federal agencies is inserted. This language parallels language found in title I of S. 1075.

PROVISIONS SENATE CONFEREES WILL SUPPORT IN CONFERENCE ON S. 1075

The Senate Conferees will support in Conference Committee certain agreed-upon changes in S. 1075 which are designed to avoid any inconsistency or duplication with provisions of Title I and with Title II of S. 7. The major agreed-upon changes are briefly described below.

1. The directive to the agencies set out in Section 102(b) is made subject to the review and approval of the Board of Environmental Advisors.

2. The requirement for a "finding" by the responsible official in Section 102(c) is changed to a requirement for a "detailed statement."

The directives to the responsible official which are set out as subsection 102(c) (i) through (iv) of S. 1075 are revised.

New language is added to Section 102(c) which will require the responsible official to consult with and obtain the views of other agencies having jurisdiction or special expertise with respect to the particular environmental impact involved in the proposed action. Language is also added requiring that copies of the responsible official's statement and the comments of other agencies be made available to the President, the Board and the public.

3. A new Section 103 is added to make explicitly clear that section 102 does not in any way effect the specific statutory obligations of Federal agencies to comply with environmental standards, to coordinate their activities, or to condition their actions upon any State or Federal certifications now required by law or which may be required by law. The language of this section is designed to insure that the provisions of law such as Section 16(c) of S. 7 not affected by the requirements of Section 102 of S. 1075. Sec-

tion 16(c) of S. 7 would have the effect of exempting the Corps of Engineers and the Atomic Energy Commission and some other agencies from the requirement for a detailed statement on the environmental impact of proposed actions involving any discharge into the navigable waters of the United States. Under the terms of Section 16(c) of S. 7 as now drafted, the State or other appropriate organization would be charged with certifying that any discharge is in compliance with water quality standards. This certification would be a condition precedent to obtaining any Federal license or permit required by law before any discharges into the navigable waters of the United States.

4. Title II of S. 1075 would be revised to make clear that the functions set out in subsections 201 (a), (b), and (c) are functions to be performed by the Board of Environmental Advisors.

5. The remaining functions set out in Section 201 would continue to be functions all Federal agencies are authorized to undertake under a new section 202.

6. Section 202 would be deleted and part of the authority would be transferred to the Office of Environmental Quality established by Title II of S. 7.

7. Portions of Section 203 would be deleted in recognition that under title II of S. 7 the Office of Environmental Quality would provide staff and support for the President's interdepartmental Council on the Environment.

8. Section 303 would be revised to explicitly provide that the annual environmental quality report would be referred in whole or part to any or all of the Committees of each House of the Congress having jurisdiction over the subject matter of the report.

9. New language would be added to Title III authorizing the Board of Environmental Advisors to establish advisory Committees and to organize and convene a biennial forum on environmental problems. This language was taken from Title II of S. 7.

Mr. CHURCH. Mr. President, today the decisions reached by the Senate on legislation pertaining to the quality of our environment, in my judgment, marks an important milestone in the life of every American. I want to especially commend the junior Senators from Washington and Maine, Mr. JACKSON and Mr. MUSKIE, for their leadership and great personal contribution in the efforts of Congress toward improving the quality of the life of all of our citizens. I believe that the amendments to title II of S. 7 and the proposed revision of S. 1075 now ready for conference, display the skill and creative leadership of these two Senators in resolving what is admittedly a very special problem of overlapping committee jurisdiction. But rather than seeking to delay and argue over jurisdiction, both Senators have commendably, and I might add, characteristically, reasoned and resolved any differences by the time-honored method of legislative compromise.

It is especially crucial that all levels of government move as quickly as possible toward wiser management of our environment. The public interest demands that we act wisely and with all deliberate speed. Time is growing short. It is no longer safe to substitute words in lieu of action to implement the needed remedies to this growing national problem. I think that the efforts today on the pending bill and the forthcoming consideration of S. 1075, will have the overwhelming support of the American people. I believe our citizens are more aware than ever before that we of this generation are trustees of our Nation's resources and of our total environment. We must assume our duty to preserve and enhance our habitat as we prepare to pass it along to future generations. As a member of the Senate Interior Committee, I will be honored to serve as a conferee on S. 1075. In my judgment this far-reaching legislation is one of the most important conservation-environmental measures that has been considered by the Congress of the United States in many years. It marks an effort for the first time to impress and implant on the Federal agencies an awareness and concern for the total environmental impact of their actions and proposed programs. This awareness will be built into the agencies' planning processes at the lowest levels, where, as we all know, most decisions are formulated and even finalized. In the future it may be possible to avoid conflicts of one program objective with others through the mechanisms provided in this bill.

It is good and necessary legislation which should be written into law as quickly as possible.

Mr. BOGGS. Mr. President, I wish to associate myself with the remarks of the Senator from Maine (Mr. MUSKIE) in his discussion on the amended language of title II, the Environmental Quality Improvement Act of 1969. These changes, together with the changes to S. 1075, create a necessary resolution of a very real controversy. This is a controversy that goes beyond the jurisdictional interests of various committees in this vital field of environmental enhancement and extends to the very definition of the words "environment" and "pollution."

A policy of environmental quality cannot be segregated from a policy for pollution control, for they are inevitably linked. We would not today consider important issues of pollution if pollution did not damage our environment. We would not be considering environmental quality policy today if our environment were not endangered by pollution.

It is my position, and I believe the position of the membership of the Public Works Committee, that a national policy for the environment has been laid down in legislation already in existence. This policy dates to nearly the creation of the Public Works Committee in 1946.

A number of water pollution control bills have been reported by the Public Works Committee, and enacted into law. In 1948, the Congress passed the Water Pollution Control Act, Public Law 80–845. Four years later it adopted an extension of the Water Pollution Control Act, Public Law 82–579. In 1956, the Congress adopted the Federal Water Pollution Control Act, Public Law 84–660. Congress amended the Water Pollution Control Act in 1961 with Public Law 87–88. Each of these bills, as well as the water pollution legislation passed in 1965 and 1966, was reported to the Senate floor by the Public Works Committee.

The Public Works Committee's concern for the field of air pollution, and its impact on the environment, has been as strong. In 1955, the Congress passed a bill to provide research and technical assistance relating to air pollution control, Public Law 84–159. This legislation was reported to the Senate floor by the Public Works Committee. In 1959, with the signing of Public Law 86–365, Congress extended the life of the air pollution legislation, and 2 years later adopted legislation that was to become Public Law 87–761. In 1963, at the urging of the Public Works Committee, the Congress adopted the Clean Air Act, Public Law 88–206, and since then has amended that law twice and in 1967 passed the Air Quality Act.

Another pervasive form of pollution is the solid wastes that clutter our cities and landscapes. The Public Works Committee pioneered in this field with the Solid Waste Disposal Act of 1965. The committee as recently as last week held 4 days of hearings in the consideration of a bill, S. 2005, to extend and augment the Solid Waste Disposal Act.

Clearly, a national policy already exists to create a quality environment in America. The new language of title II reiterates and reinforces this policy, and augments its implementation through the creation of an Office of Environmental Quality. This office will serve as an important adjunct to the President's Environmental Quality Council.

I do not wish to detain the Senate any longer in its deliberations. However, I would like to state my personal thanks to the committee chairman (Mr. RANDOLPH), the chairman of the subcommittee (Mr. MUSKIE), the Senator from Washington (Mr. JACKSON) and the other members of the Public Works and Interior Committees for their efforts toward achieving an America with a quality environment. I commend this amended language to my colleagues.

Mr. ALLOTT. Mr. President, I appreciate the remarks of both the distinguished junior Senator from Maine and the distinguished chairman of the Committee on Interior and Insular Affairs on this matter. I have not actually been a participant in any of the discussions that have gone on between the two Senators, but the chairman of the Committee on Interior and Insular Affairs, I believe, has kept me informed of the progress of these matters for some time.

Before commencing a short statement, I note that on page 36 of the report No. 91–351, the Air and Water Pollution Subcommittee of the Committee on Public Works held extensive hearings on title I of S. 7. These hearings included statements from various agencies of the Federal Government. The administration testified through the Department of the Interior, the Department of Transportation, and the Atomic Energy Commission. However, my review of the report fails to disclose any information concerning hearings on title II. Since title II creates a new office within the Executive Office of the President, I would be most interested in learning what the administration's reactions and comments were with respect to this title.

Therefore, I would direct this question to the distinguished chairman of the subcommittee, if he would direct me to

the appropriate reference in the report concerning the administration's views on title II of S. 7.

Mr. MUSKIE. May I say to the distinguished Senator that we did not have specific hearings on title II. May I point out that the 1-day hearing on S. 1075 was on a different version of S. 1075 than was reported. I do not recall that there were hearings on title I of S. 1075. I am not sure about title II, but I have now reviewed S. 1075 with that in mind.

S. 1075 in its present form was introduced in the Senate on May 29 of this year. The 1 day of hearing on April 16 was on a bill that was introduced in February. So both the provisions of title II of S. 7 and S. 1075 might be faulted in their provisions, in their floor version in that they were not subject to hearings.

But may I say that title II of S. 7 was extracted from S. 2391, which I introduced in July of this year with 42 Senate cosponsors. Title II is taken from that bill.

That bill was the product of some 6 or 7 years of hearings we held on such environmental matters as air quality and water quality and solid waste.

Title II was developed as representing subjects, problems, points of view that had been discussed in those hearings over that period. Those hearings included some 1,100 witnesses, some 16,000 pages of testimony, much of which is relevant to title II.

The accurate answer to the Senator's question is that there is no specific testimony in the hearings this year on title II. I repeat that the same point can be made with respect to many of the provisions of S. 1075.

Mr. ALLOTT. I cannot agree with the last statement. I would like to ask the Senator——

Mr. MUSKIE. May I suggest that there be included on this point the text of the bill (S. 1075), as it existed at the time of the hearing on April 16 this year?

Mr. ALLOTT. I have no objection to that.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1075

A bill to authorize the Secretary of the Interior to conduct investigations, studies, surveys, and research relating to the Nation's ecological systems, natural resources, and environmental quality, and to establish a Council on Environmental Quality

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the purpose of this Act to promote and foster means and measures which will prevent or effectively reduce any adverse effects on the quality of the environment in the management and development of the Nation's natural resources, to produce an understanding of the Nation's natural resources and the environmental forces affecting them and responsible for their development and future well-being, and to create and maintain conditions under which man and nature can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations of Americans, through a comprehensive and continuing program of study, review, and research.

TITLE I

SEC. 101. The Secretary of the Interior (hereinafter referred to as the "Secretary"), in order to carry out the purposes of this title, is authorized—

(a) to conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality;

(b) to document and define changes in the natural environment, including the plant and animal systems, and to accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes;

(c) to develop and maintain an inventory of existing and future natural resource development projects, engineering works, and other major projects and programs contemplated or planned by public or private agencies or organizations which make significant modifications in the natural environment;

(d) to establish a system of collecting and receiving information and data on ecological research and evaluations which are in progress or are planned by other public or private agencies or organizations, or individuals;

(e) to evaluate and disseminate information of an ecological nature to public and private agencies or organizations, or individuals in the form of reports, publications, atlases, and maps;

(f) to make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment.

(g) to initiate and utilize ecological information in the planning and development of resource-oriented projects;

(h) to encourage other public or private agencies planning development projects to consult with the Secretary on the impact of the proposed projects on the natural environment;

(i) to conduct research and studies within natural areas under Federal ownership which are under the jurisdiction of the Secretary and which are under the jurisdiction of other Federal agencies; and

(j) to assist the Council on Environmental Quality established under title II of this Act.

SEC. 102. In carrying out the provisions of this title, the Secretary is authorized to make grants, including training grants, and enter into contracts or cooperative agreements with public or private agencies or organizations, or individuals, and to accept and use donations of funds, property, personal services, or facilities to carry out the purposes of this Act.

SEC. 103. The Secretary shall consult with and provide technical assistance to other Federal agencies, and he is authorized to obtain from such departments and agencies such information, data, reports, advice, and assistance as he deems necessary or appropriate and which can reasonably be furnished by such departments and agencies in carrying out the purposes of this Act. Any Federal agency furnishing advice or assistance hereunder may expend its own funds for such purposes, with or without reimbursement by the Secretary.

SEC. 104. The Secretary is authorized to participate in environmental research in surrounding oceans and in other countries in cooperation with appropriate departments or agencies of such countries or with coordinating international organizations if he determines that such activities will contribute to the objectives and purposes of this Act.

SEC. 105. Nothing in this Act is intended to give, or shall be construed as giving, the Secretary any authority over any of the authorized programs of any other department or agency of the Government, or as repealing, modifying, restricting, or amending existing authorities or responsibilities that any department or agency may have with respect to the natural environment. The Secretary shall consult with the heads of such departments and agencies for the purpose of identifying and eliminating any unnecessary duplication of effort.

SEC. 106. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

TITLE II

SEC. 201. There is created in the Executive Office of the President a Council on Environmental Quality (hereinafter referred to as the "Council"). The Council shall be composed of three members who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. Each member shall, as a result of training, experience, or attainments, be professionally qualified to analyze and interpret environmental trends of all kinds and descriptions and shall be conscious of and responsive to the scientific, economic, social, esthetic, and cultural needs and interests of this Nation. The President shall designate the Chairman and Vice Chairman of the Council from such members.

SEC. 202. (a) The primary function of the Council shall be to study and analyze environmental trends and the factors that effect these trends, relating each area of study and analysis to the conservation, social, economic, and health goals of this Nation. In carrying out this function, the Council shall—

(1) report at least once each year to the President on the state and condition of the environment;

(2) provide advice and asistance to the President on the formulation of national policies to foster and promote the improvement of environmental quality;

(3) obtain information using existing sources, to the greatest extent practicable, concerning the quality of the environment and make such information available to the public.

(b) The Council shall periodically review and appraise new and existing programs and activities carried out directly by Federal agencies or through financial assistance and make recommendations thereon to the President.

(c) It shall be the duty and function of the Council and the Secretary of the Interior to assist and advise the President in the preparation of the biennial environment quality report required under section 203.

SEC. 203. The President shall transmit to the Congress annually beginning June 30, 1970, an environmental quality report which shall set forth (a) the status and condition of the major natural, manmade, or altered enivronmental classes of the Nation, including, but not limited to, the air, the aquatic, including marine, estuarine, and fresh water, and the terrestrial environment, including, but not limited to, the forest, dryland, wetland, range, urban, suburban, and rural environment; and (b) current and foreseeable trends in quality, management, and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Nation.

SEC. 204. The Council may employ such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Council may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this Act, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

SEC. 205. There are hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this title.

Mr. ALLOTT. Of course, it was changed from the time it was introduced.

Mr. MUSKIE. And so was S. 7.

Mr. ALLOTT. But we had hearings on S. 1075.

Mr. MUSKIE. I would be glad to put in the RECORD an analysis of the points in the present bill, S. 1075, that were not covered in the hearings of April 16.

Mr. ALLOTT. Then, I understand the Senator's reply to be that there is nothing in the record from the administration commenting upon title II of S. 7.

Mr. MUSKIE. I thought I had already answered the Senator's question. There is no comment.

Mr. ALLOTT. I thank the Senator.

Mr. President, the last thing I would want to do would be to try, even if I could, to reflect on the work that any Senator has done in any given field or area; and the Senator from Maine is well known for his work in this area, particularly in the field of water and air pollution, and he has been acting in this field for many years now.

I think I should make it clear that while the distinguished Senator from Maine, chairman of the subcommittee, and the chairman of the Committee on Interior and Insular Affairs do have a clear understanding about how they want to handle the matter, I personally am not a party to that agreement. I think the Senator will agree with that.

Mr. MUSKIE. I was not aware of that fact, but I accept the Senator's statement. The Senator has participated in the discussions, and I just assumed he was a party to it, but if he wishes to disassociate himself from it, I have no objection, and it will make no difference in my attitude.

Mr. ALLOTT. I shall disassociate myself from it in a moment. The only discussion I have ever participated in with the Senator from Maine was for about 10 minutes in the Democratic cloakroom yesterday afternoon. I think he will agree to that.

Mr. MUSKIE. I was present for that time. Is was my impression that the Senator from Colorado was present for longer than that time. But I am interested in the fact that we have undertaken to achieve an agreement and now I understand the Senator does not support it.

Mr. ALLOTT. Mr. President, I just want to make my position clear. The Senator from Washington, our chairman, has always known that I had some reservations about this particular matter.

Mr. MUSKIE. Will the Senator yield for a question?

Mr. ALLOTT. I yield.

Mr. MUSKIE. It is a very important question. It relates to what the Senator has just said. As I say, I am not trying to impose a position on the Senator. That is not my responsibility; it is his. But an important part of this compromise was the assurance I had from the distinguished Senator from Washington, the Senate conferees on S. 1075, who will include the Senator from Washington and the Senator from Colorado, will do their best to see that the compromise provisions of S. 1075 are accepted by the conference. I take it, from what the Senator from Colorado is saying, that this may not be correct with respect to him. If it is not, then I hope he will make it clear, because that might change my view of this compromise.

Mr. ALLOTT. If the Senator will permit me to continue, I will make my position clear.

I have stated before, and I should not have to state this again, that the chairman of the Committee on Interior and Insular Affairs has kept me faithfully informed of all of the discussions that have gone on about this matter, so I cannot say that I am uninformed in any respect about the discussions, and I do not pretend to be, nor am I trying to insinuate in any sense that the Senator from Colorado was not made fully aware of the discussions that have led to this point.

I do not know why this should be necessary, but I will say that whatever the Senate does here today with respect to the appointment of conferees, the Senator from Colorado will fulfill his obligation to the Senate just as much as the Senator from Maine or any other Senator would. I want to make that very clear. I do not think any Senator will accuse the Senator from Colorado of ever having done less.

The thing that I wish to discuss—and I am sorry that we got the discussion off on this basis—is the situation in which we find ourselves here today.

Both houses of Congress have passed S. 1075, which is intended to halt the rapid degradation of our environment; and believe me, there is no one on this floor, and no one in the United States, for that matter, who has an exclusive concern with our environment. Today we are considering S. 7, a bill which, according to its title, is also intended to halt this degradation of the environment.

I should like to take just a moment to explore the consequences of the impending vote, as I see them.

The adoption of title II of S. 7, together with the enactment of S. 1075, in my opinion, will create an administrative two-headed monster. It is two-headed because of the duplication of functions of both the proposed new high level environmental organizations, and a monster because of the problems which that duplicity will create.

The President created a Council on Environmental Quality earlier this year. The Senate's version of S. 1075 adds an Environmental Quality Board of three persons, and title II of the pending bill, S. 7, creates an Office of Environmental Quality within the Executive Office of the President.

As I look at it, Mr. President—and I have analyzed these bills very carefully, and have had my staff working on them for a long time—these organizations are both new and separate creations within the Executive Office of the President. Both organizations are high level creations in the President's Office and let me explain what I mean when I say high level.

The three board members created by S. 1075, are all subject to Senate confirmation, and the chairman is to be renumerated at level 2 of the executive pay schedule. The Director of the Office of Environmental Quality is also subject to Senate confirmation, and his salary may be set at the same level as that of the Director of the Bureau of the Budget, which means that these two officers are at a very high level of governmental employment.

Both organizations have as their main goal and purpose to advise and assist the President on problems of environment.

Both organizations are to prepare reports and make recommendations to the President on the problems of environment.

Both organizations are authorized to employ experts and consultants.

Both organizations will deal with the same subject matter, that is, the environment, and both will be reviewing Federal and other public programs which affect the environment.

Mr. President, I think there is a little too much of a tendency, probably not in the committees involved here, but on the part of the public, to regard environment as involving only air pollution and water pollution. That is probably because these two problems have become so prevalent, and therefore are on the minds of the people of this country today perhaps more than some of the other environmental problems which may come to the fore in the future.

In our studies of this matter, I believe we determined that there are some 20 or 21 agencies of the Government which are directly involved with problems which affect the environment. For example, it is impossible to think about future environments without thinking about the Department of Housing and Urban Development of our Government. It is impossible to think of them without thinking of HEW, because the environment does not involve only water and air; as suggested by the distinguished Senator from Maine, it involves noise—and we are all becoming acutely conscious of this factor. More and more as time goes on—environmental questions will also involve land distribution, land planning for the future, what kind of future cities we will plan, and what we will do about the ghettos—for the ghettos are a part of the environmental picture, and, as a responsibility of HUD, are also a part of this question.

We could go on endlessly, bringing in the various departments and agencies of Government which, sooner or later if not now, will be actively engaged in problems and fields which do involve the environment.

To sum up, I simply wish to repeat that the environmental situation is not one which is confined merely to air, water, and noise. The degradation of our environment can occur in all these ways. It can even occur from the improper farming methods of those who erode and waste our soil. So the Department of Agriculture could be a part of this movement. It also plays a part in preserving the environment through its supervision of our forest lands. As I have said, I could continue almost endlessly to discuss the environmental problems which the great pressure of population in this country has brought on us and will continue to bring on us. I am, therefore, no less concerned than the Senator from

Maine and have given the population and food problems considerable study as they affect the future environment of our country.

Although I have never spent much time in the State of the Senator from Maine, I am aware that it is a great and beautiful State. I am certainly aware of the beauty of my own State and of the State of Washington and of other States. I think that some of us who are fortunate enough to come from such beautiful places are aware of the threats from environmental impairment—and I use the words "environmental impairment" in the whole context of which I am speaking. I am aware of the threats that come from environmental degradation. We who are fortunate enough to live in places that are relatively free from such degradation appreciate what the dangers to our environment are probably as much as those who are now directly afflicted with, for example, acute water pollution, acute air pollution, or acute noise pollution.

So it seems to me that with respect to the matter that we are discussing today, instead of the application of Parkinson's law and the natural propensities of bureaucracy to create agencies and to advise and assist the President, when the President has not been asked to comment on the provisions of title II of S. 7 we have placed the President in the position of being an arbitrator between the two agencies. In addition, the President has already created the Environmental Quality Council, which he considers to be of such great importance that he retains the chairmanship of it himself.

I wish to say one concluding word on this subject. Since the understanding has been reached between the distinguished chairmen of the two committees, the chairman of the Committee on Interior and Insular Affairs and the chairman of the subcommittee, I have not indicated to any Senator how he should vote on this question; but I feel so strongly that our population pressures and the changes in our country in the next few years will create environmental problems, some of which we are not even aware of now, and some of which we can only surmise in our minds, that we should create a clean-cut type of organization to handle it.

The President's council now exists; and now, title II of S. 7 will authorize the Office of Environmental Quality; and S. 1075, will create the Board of Environmental Quality Advisors. I am afraid we are creating something that is administratively unsound. Therefore, I shall be compelled to vote against the motion, which I believe is the parliamentary situation, to agree to the amended version of title II. I should think, as I look at the situation, that I would be fulfilling less than my duty as a Senator, having analyzed and studied the proposal in the manner that I have, if I did not cast my vote against it.

I am sure that the motion to adopt the amendment will be agreed to overwhelmingly. Nevertheless, I shall support the bill even if the amendment is included, because I feel that the subject of title I is of such importance to the Nation that Congress must deal with it quickly and effectively. Whatever other Senators may do is for them to decide, and I have made no effort to proselytize other Senators. But I feel strongly that we are going to have to face up to the problem and provide administrative structure that is really workable. I should much prefer, for my own part, however, to have a single office created in the executive branch—as the focal point—to deal with the problem.

I yield the floor.

Mr. MUSKIE. Mr. President, a great deal of labor has gone into developing a resolution of the relationship between S. 1075 and S. 7. I have no desire to indulge in provocative or argumentative statements and upset that settlement. Nevertheless, I think, in the light of the comments made by the Senator from Colorado, that in order to assure as complete a record as I can make, I should make some points.

First, with respect to title II of S. 7, in common with all of S. 2391, of which it was part: it is the product, in a real, evolutionary sense of some 7 years of hearings held by the Subcommittee on Air and Water Pollution, involving some 16,000 pages of testimony and 1,100 witnesses.

Second, title II is extracted almost bodily, as it was reported to the Senate, from S. 2391, which was cosponsored by 42 Senators. The bill was introduced on June 12, 1969, and all the executive agencies were solicited for comments. We have received none as of this point.

The next point I should like to make is that with respect to the Board of Environmental Quality Advisers, provided by S. 1075, on which a 1-day hearing was held on April 16, Secretary of the Interior Hickel said this:

> It is our belief that the proposed new Environmental Quality Council makes unnecessary the kind of council proposed in S. 1075.

The Secretary further said:

> It is our recommendation that legislation such as that contained in Title I of S. 1075 not be enacted until the new council has had a full opportunity to address itself to this need.

I may say this in adition: I have been involved in environmental pollution-control legislation for many years. We have always listened responsively and constructively to recommendations of the executive branch under President Kennedy, under President Johnson, and under President Nixon. We have undertaken to support such recommendations as stood up after hearings. But we have never been reluctant, and we are not reluctant now, to initiate legislative proposals ourselves. We regard this as a part of the prerogatives of the legislative body.

Every piece of legislation in the air and water quality field that we have reported to the Senate has the unmistakable mark of the Committee on Public Works and the Subcommittee on Air and Water Pollution, standing independently of presidential recommendations. This was true of the Clean Waters Restoration Act of 1966. It was true of the Air Quality Act of 1967. It was true of the automobile exhaust legislation in 1965, which the administration opposed totally when we held our hearings. But we formed our own judgment, reported it to the Senate, and the Senate approved.

I think that record of approval suggests the confidence in which the Senate came to hold our recommendations.

S. 7 is a similar piece of legislation. We have responded to executive testimony whenever it was available, but we did not hesitate to incorporate in legislation ideas that our judgment indicated were sound, and everything in S. 7 bears that stamp.

I am not holding against S. 1075 Secretary Hickel's adverse comment on the Board of Environmental Quality Advisers. Whatever reservation I may have had about the process under which S. 1075 was considered, I took it to be the considered judgment of Senator JACKSON and his committee that they thought this to be a sound proposal.

So when we got down to the task of meshing these two bills, I did not reprove them and have not reproved them on the Senate floor because they did not do what Secretary Hickel asked them to do, and I do not reprove them now. He opposed it. They disagreed with him and reported it to the Senate.

What I have undertaken to do, with Senator JACKSON, is to marry the two into a viable organizational structure. I think we have done that, and I have no apologies for the result.

The Senator from Colorado is privileged to vote as he pleases on this matter, and I do not consider him bound to any other vote than that dictated by his own convictions; but I thought that these additions to the record were essential if the record is to have some semblance of balance on these points.

I am ready to vote.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield.

Mr. RANDOLPH. Mr. President, this discussion permits me the privilege of indicating that I believe that the Members of the Senate—yes, of the House of Representatives, as well—have often failed in their responsibility to write legislation on Capitol Hill rather than just to pass measures which have been forwarded from the agencies of the executive branch of the Government.

I think we have failed ofttimes in our responsibilities to do what we should do—that is, to write legislation as well as to pass it.

In broad concept, any administration has the responsibility to forward to Congress the outlines and the policies of the administration, and the proposed legislation is then referred to the respective committees.

I call attention to our failure to act effectively and responsibly in such situations as that referred to by Senator MUSKIE—when we determine, on the basis of testimony and considered study and judgment, that committee action must depart from the legislative recommendations of the executive branch.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. MUSKIE. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. RANDOLPH. I return to my basic belief that if the Committee on Public Works, or the Committee on the Interior, or any other committee, is in disagreement with the administration, then we in good conscience, have the responsibility to work our will as elected Members of Congress. There can be comity between the legislative and executive branches of our Federal Government. However, there must not be capitulation.

Mr. President, with respect to the specific matter of the agreed upon language modifying S. 1075 and title II of S. 7, I ask unanimous consent to include in the RECORD at this point a telegram I recently received from the major conservation organization.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

Senator JENNINGS RANDOLPH,
Senate Committee on Public Works,
Washington, D.C.

The undersigned commend you for your continuing leadership in the field of environmental quality that brings us close to an early major policy and legislative enactment. We trust there will be full discussion on the floor of the Senate in conjunction with S. 1075 to the end that the strongest and best measure will be agreed to and reported promptly by the Senate-House conference committee. This is a unique opportunity for the country to take a major step forward in protection of environmental values.

Joseph W. Penfold, Izaak Walton League of America; Dr. Ira Gabrielson, Wildlife Management Institute; Stewart M. Brandborg, Wilderness Society; Thamas L. Kimball, National Wildlife Federation; William E. Towell, American Forestry Association; Dr. Elvis Stahr, National Audubon Society; Dr. Spencer Smith, Citizens Committee on Natural Resources; and Lloyd Tupling, Sierra Club.

Mr. RANDOLPH. Mr. President, the proposed modifications of S. 1075 and the committee substitute language for title II of S. 7 are the product of many hours of conferences between the staffs as well as the members of the Committee on Public Works and the Committee on Interior and Insular Affairs. These conferences resulted in, I believe, a strengthened version of S. 1075 and a further clarification of title II of S. 7.

Taken together these two measures represent a major step forward in coordination and strengthening of our efforts to improve the quality of the environment. Taken together these two measures represent the accord between the two principal committees in the Senate dealing with environmental problems. The conferences and the language agreed on have resolved difficult problems between the two committees stemming from differing viewpoints on the substance of this legislation and from the jurisdictional ambiguities inherent in a field as broad as the environment.

Members and the staff of the two committees are to be commended for reaching a constructive resolution of these problems. Especially to be commended are the able chairman of the Committee on Interior and Insular Affairs (Mr. JACKSON), and the knowledgeable chairman of the Subcommittee on Air and Water Pollution (Mr. MUSKIE), for their reasonable and cooperative approach toward a difficult and complex situation.

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). The question is on agreeing to the amendment of the Senator from Maine.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Georgia (Mr. RUSSELL), the Senator from Oklahoma (Mr. HARRIS), and the Senator from South Dakota (Mr. MCGOVERN), are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Washington (Mr. MAGNUSON), and the Senator from New Jersey (Mr. WILLIAMS) are absent on official business.

I further announce that, if present and voting, the Senator from New Jersey (Mr. WILLIAMS), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from New Mexico (Mr. MONTOYA) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Ohio (Mr. SAXBE) is necessarily absent.

The Senator from Michigan (Mr. GRIFFIN) and the Senators from Illinois (Mr. PERCY and Mr. SMITH) are detained on official business.

If present and voting, the Senator from Michigan (Mr. GRIFFIN), the Senators from Illinois (Mr. PERCY and Mr. SMITH) and the Senator from Ohio (Mr. SAXBE) would each vote "yea."

The result was announced—yeas 77, nays 6, as follows:

[No. 115 Leg.]

YEAS—77

Aiken	Ervin	Muskie
Allen	Fannin	Nelson
Anderson	Fong	Packwood
Baker	Goldwater	Pastore
Bayh	Goodell	Pearson
Bellmon	Gore	Pell
Bennett	Gurney	Prouty
Bible	Hart	Proxmire
Boggs	Hatfield	Randolph
Brooke	Holland	Ribicoff
Burdick	Hollings	Schweiker
Byrd, Va.	Hughes	Scott
Byrd, W. Va.	Jackson	Smith, Maine
Cannon	Javits	Sparkman
Case	Jordan, N.C.	Spong
Church	Kennedy	Stennis
Cook	Long	Stevens
Cooper	Mansfield	Symington
Cotton	Mathias	Talmadge
Cranston	McClellan	Thurmond
Dodd	McGee	Tydings
Dole	Metcalf	Williams, Del.
Dominick	Miller	Yarborough
Eagleton	Mondale	Young, N. Dak.
Eastland	Mundt	Young, Ohio
Ellender	Murphy	

NAYS—6

Allott	Hansen	Jordan, Idaho
Curtis	Hruska	Tower

NOT VOTING—17

Fulbright	Magnuson	Percy
Gravel	McCarthy	Russell
Griffin	McGovern	Saxbe
Harris	McIntyre	Smith, Ill.
Hartke	Montoya	Williams, N.J.
Inouye	Moss	

So Mr. MUSKIE's amendment to the substitute committee amendment was agreed to.

Mr. MUSKIE. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. MANSFIELD. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. PASTORE. Mr. President, I want to commend the distinguished Senator from Maine for the fine work that he and his Subcommittee on Air and Water Pollution have done in reporting this bill. I was in communication with him while the bill was still in committee and voiced some reservations about certain provisions that were contained in an earlier version of the bill. As revised and reported, I believe the sections of the bill of particular interest and concern to me—dealing with water pollution control by Federal agencies—have been substantially improved. They are not 100 percent what I would like them to be, but they are sufficiently close to the mark to permit me to support their passage.

Among the bill's new requirements is one that any applicant for a Federal license or permit to conduct any activity which may result in any discharge into the navigable waters of the United States must provide to the Federal licensing agency involved certification from the State in which the discharge will originate that there is reasonable assurance the activity will comply with applicable water quality standards. Without the required certification such Federal agency cannot issue the license or permit.

Moreover, if the certification is obtained and the license or permit is issued, it must contain any conditions which the Secretary of the Interior finds necessary to insure compliance with the water quality standards of any downstream States which might be adversely affected by discharges from the licensed facility.

The Atomic Energy Commission and the Corps of Engineers are prime examples of the Federal agencies affected by this legislation. In the case of the AEC, while the legislation does not impinge upon or in any way interfere with the AEC's comprehensive regulatory controls over the radiological effects of source, byproduct, and special nuclear material, except as certain of these authorities may be transferred to qualified States, it does have the effect of assuring that, in addition to the AEC's exhaustive radiological health and safety review, the design of nuclear powerplants will be reviewed by appropirate State and Federal authorities from the standpoint of their thermal effects upon adjoining waters.

Nuclear plants are, of course, already subject to water quality standards adopted by the States and approved by

the Secretary of the Interior pursuant to the Water Quality Act of 1965. Now, however, we will have the added protection of a prelicensing review to assure that the plants have been designed in such a way as to assure compliance with applicable water quality standards.

At least as to those activities subject to Federal approvals, this will add an important ounce of preventive medicine to the curative measures already available. My chief regret is that not all nonnuclear powerplants will be subject to these new controls. As I understand the bill, only coal, oil, and gas-fired powerplants that occasionally require a Federal license or permit will be covered by the bill. Unfortunately, even this limited coverage was opposed by representatives of the coal industry during the subcommittee's hearings on the legislation.

Another principal regret relates to proposed new section 16(a) of the Federal Water Pollution Control Act. As a member of the Appropriations Committee, I find this section somewhat disturbing. It would require that each Federal agency take whatever measures were needed to insure that property and activities under its jurisdiction shall comply with applicable water quality standards and the purposes of the act. The subsection would also authorize appropriations of "such sums as may be necessary to carry out the provisions of this section."

I notice that S. 7, as reported by the committee, is silent with relation to an exception being made in connection with Federal agencies in the case where the interests of the United States might be involved either as to national defense or other important national activities, whereas the House passed bill, H.R. 4148, explicitly makes such an exception.

I prefer the House version for reasons that are obviously understandable in the national interest.

I do not propose an amendment at this time to insert such an exception in S. 7 but would strongly suggest and recommend to the conferees that this matter be exhaustively discussed in conference and that the House version be given all possible weight in the national interest.

On this point, I should like to ask my distinguished colleague what his off-the-cuff reaction is to the statement I have just made with regard to the national interest, in making an exception in cases of that kind.

Let us assume, for example, that we are in a state of war. I am wondering how much the Government will be obligated to comply with some of these provisions if the national interest is paramount to the prevailing subject or issue at hand. Take the Hanford production reactor, for example, which produces material for the national defense.

Mr. MUSKIE. Is the Senator addressing himself to the impact of section 16?

Mr. PASTORE. Yes. Section 16(a), and in large measure section 16(b) as well.

I do not want to press the Senator too much, but the House committee went into this matter to quite some extent. It is going to be in conference, and I hope the Senator, as usual, will lend a very attentive ear to the arguments made in that regard.

Mr. MUSKIE. I will do so.

In other portions of the bill, dealing with other questions, we have recognized the point the Senator has raised.

For example, in the application of the vessel pollution requirements as to ships of war, we have recognized this point and have made provision for it; and I assure the Senator that we will look into this point as well.

Mr. PASTORE. Under the pending bill considerable autonomy is given to the States in regard to operation of Federal facilities. In effect activities being carried on for Federal purposes will be subject to water quality standards adopted by the States in which they are located. The grassroots public opinion, more or less, is given a say in the matter of thermal effects, and I think that is proper, because, after all, they are the people who have to bear the brunt. And, insofar as thermal effects are concerned, I believe the States are fully and well qualified to set such standards.

But sometimes a State could be obstinate in the case of an emergency, and there ought to be an overriding consideration in the case of an emergency. I am not saying a willy-nilly situation; but in one in which the national interest is involved, I think we ought to make some provision. The House has done it, and the Senator from Maine has not said one way or the other whether we should or should not, but I would hope that he would consider that very seriously in conference.

Mr. MUSKIE. I assure the Senator of my interest, and we will do that.

Mr. BROOKE. Mr. President, over the last several months the coastline and estuaries of Massachusetts has been ravaged by one oil spill after another. From January through mid-July, the shoreline of the Bay State has been hit on six different occasions by oil slicks that have killed fish and birdlife, closed beaches and caused property damage to docks and pleasure craft. Three weeks ago, a seventh spill dumped more than 134,000 gallons of home heating oil onto the waters and shoreline of eastern Buzzards Bay. From this disaster, the Smithsonian's Center for Shortlived Phenomenon has documented the destruction of more than 25 different varieties of the areas of marine life. This oil spill has denuded one of Cape Cod's finest striped bass fishing grounds. Not even the Cape Cod National Seashore, a national landmark and tourist attraction offering some of this Nation's most beautiful beaches has been immune to the desecration of negligent and thoughtless tanker captains, who use the first opportunity of open water to eliminate residue oil from their ballast tanks and bilges. This oil covers the beach like asphalt, leaving it unusable by anyone.

In the final analysis, I doubt that we can ever eliminate the threat of oil pollution entirely. The opportunity for accident is simply too great. Of the ships involved in trade along the Atlantic coast, one vessel in every five carries oil as its principal cargo. As long as tankers and barges ply our coastal and inland waterways there will be navigational errors, faulty towlines, and untrained captains. New England, because she has no pipeline for the transportation of her oil products from the refineries located to the south, must rely on ships and barges to supply a large percentage of these petroleum products.

It might even be said that the threat of oil pollution is a by-product of our own advancing industrial development. Nowhere is the demand for oil of every grade and variety greater than in the industrial areas which depend on our great port cities such as Boston, New York, Baltimore, Norfolk, Charleston, and many others. The ever-expanding demand for oil in these areas has increased the chance of accident and the possibility of disastrous oil spillage. The cost of cleaning up one barrel of the type of oil used to run a power turbine might run as high as $75. Most coastal tankers carry hundreds of thousands of barrels of oil. If we are to protect our environment against this undesirable side effect of industrial development, we must have strong oil pollution control provisions to handle the cleanup of this menace.

We surely cannot forbid the use of tankers and barges in the transportation of oil. However, we can regulate oil transportation in such a way as to make the constant threat of oil pollution a more manageable one. The provisions in S. 7 which provide for liability on vessels and on-and-offshore facilities to be based on a test of negligence with the burden of proof on the owner is a badly needed provision. By utilizing a concept of absolute liability, the possibility of damage and loss that would result from an oil spill is now as great a risk to the vessel owner as to the public.

With the enactment of title I of this bill, the Federal Government will have significant new authorization to step in and clean up oil spills after they have occurred. However, the Federal Government should simultaneously be considering other programs stressing prevention as much as S. 7 stresses cure. It is accepted that ships are equipped to move with adequate accuracy and general safety across the remote reaches of the high seas. The immediate concern is with the heavily traveled areas nearshore such as bays, channels and harbors of the Nation's convoluted coastline. There should be a drastic updating of effective standards and certification systems that govern licensing of officers and rating of crew members to assure that those responsible for the operating of vessels are properly trained for their work. Such standards and certification should be expanded to require special training for all personnel responsible for handling of oil and other hazardous materials, including the off-landing of vessels. Particular attention should be given to uniform standards, training, and certification of personnel on towboats not presently subject by law to Coast Guard licensing. It is presently possible to tow an oil barge through the narrow and sinuous Cape Cod Canal—an Army Corps of Engineers facility—without ever having been through before, even in daylight. A rigid system of certification

should be a minimum for the use of any Government-owned or operated facility such as the Cape Cod Canal.

The use of sea lanes for traffic routing is a major step toward reducing the risks of collisions in congested areas. Such lanes are already in use around most of our major ports. Particular efforts should be made to extend traffic patterns to all ports receiving appreciable amounts of oil.

Furthermore, substantial research is needed to determine the feasibility of some form of shorebased-guidance system to promote safe movement of shipping. Such a "sea traffic control system" could be similar to our present air traffic control system which is operated by the Federal Aviation Administration. This system could reserve special lanes for use by ships or barges transporting hazardous substances such as oil.

Work is already underway on some of the provisions I have mentioned. For instance, the House is today holding hearings on the licensing of towboat captains. The fight against oil pollution will not and should not stop with the passage of S. 7. All aspects of this problem must be given the closest scrutiny.

S. 7 is a vital step in the direction of reducing the threat of oil pollution. It effectively underscores that responsibility for clean water does not reside solely with the Federal Water Pollution Control Water Administration, but rather it belongs with every agency of the Federal Government. Mr. President, I am pleased to support S. 7.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, informed the Senate that pursuant to the provisions of section 2(a), Public Law 89–801, the Speaker appoints as a member of the National Commission on Reform of Federal Criminal Laws, Mr. MIKVA of Illinois, to fill the existing vacancy thereon.

The message announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 11039) to amend further the Peace Corps Act (75 Stat. 612), as amended; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MORGAN, Mr. ZABLOCKI, Mr. HAYS, Mr. ADAIR, and Mr. MAILLIARD, were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the bill (S. 267) for the relief of Lt. Col. Samuel J. Cole, U.S. Army, retired, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills of the Senate, severally with amendments, in which it requested the concurrence of the Senate:

S. 1471. An act to amend chapter 13 of title 38, United States Code, to increase dependency and indemnity compensation for widows and children, and for other purposes;

S. 1857. An act to authorize appropriations for activities of the National Science Foundation pursuant to Public Law 81–507, as amended; and

S. 2564. An act to amend the Act fixing the boundary of Everglades National Park, Fla., and authorizing the acquisition of land therein, in order to authorize an additional amount for the acquisition of certain lands for such park.

The message also announced that the House had passed the following bills in which it requested the concurrence of the Senate.

H.R. 1703. An act for the relief of the Clayton County and Wilber Harris;

H.R. 1783. An act to incorporate the Paralyzed Veterans of America;

H.R. 2477. An act for the relief of Comdr. John N. Green, U.S. Navy;

H.R. 4560. An act for the relief of Sa Cha Bae;

H.R. 5106. An act for the relief of Rogelio Tabhan;

H.R. 6402. An act for the relief of Sanborn Lumber Co., Inc.;

H.R. 6600. An act for the relief of Panagiotis, Georgia, and Constantina Malliaras;

H.R. 9857. An act to amend the provisions of the Perishable Agricultural Commodities Act, 1930, to authorize an increase in license fee, and for other purposes;

H.R. 9906. An act for the relief of J. Burdette Shaft and John S. and Betty Gingas;

H.R. 10156. An act for the relief of Lidia Mendola;

H.R. 11968. An act for the relief of Maj. Louis A. Deering, U.S. Army;

H.R. 13183. An act for the relief of the heirs at law of Tomosuke Uyemura and Chiyo Uyemura, his wife; and

H.R. 13218. An act for the relief of Mr. and Mrs. Joseph E. Begnoche.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore:

S. 265. An act for the relief of John (Giovanni) Denaro;

S. 330. An act for the relief of Dr. Konstantinos Nicholas Babaliaros;

S. 620. An act for the relief of Richard Vigil;

S. 1110. An act for the relief of Nickolas George Polizos; and

H.R. 9825. An act to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H.R. 9857. An act to amend the provisions of the Perishable Agricultural Commodities Act, 1930, to authorize an increase in license fee, and for other purposes; to the Committee on Agriculture and Forestry.

H.R. 1703. An act for the relief of the Clayton County and Wilber Harris;

H.R. 1783. An act to incorporate the Paralyzed Veterans of America;

H.R. 2477. An act for the relief of Comdr. John N. Green, U.S. Navy;

H.R. 4560. An act for the relief of Sa Cha Bae;

H.R. 5106. An act for the relief of Rogelio Tabhan;

H.R. 6402. An act for the relief of Sanborn Lumber Co., Inc.

H.R. 6600. An act for the relief of Panagiotis, Georgia, and Constantina Malliaras;

H.R. 9906. An act for the relief of J. Burdette Shaft and John S. and Betty Gingas;

H.R. 10156. An act for the relief of Lidia Mendola;

H.R. 11968. An act for the relief of Maj. Louis A. Deering, U.S. Army;

H.R. 13183. An act for the relief of the heirs at law of Tomosuke Uyemura and Chiyo Uyemura, his wife; and

H.R. 13218. An act for the relief of Mr. and Mrs. Joseph E. Begnoche; to the Committee on the Judiciary.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that some time toward the shank of the afternoon, there be a time set aside for the transaction of morning business, with speeches limited to the usual 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONVENTION BETWEEN THE UNITED STATES AND THE KINGDOM OF BELGIUM, RELATING TO CONSULAR RELATIONS—REMOVAL OF INJUNCTION OF SECRECY

Mr. MANSFIELD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from Executive F, 91st Congress, first session, the consular convention with the Kingdom of Belgium, signed at Washington on September 2, 1969, and two exchanges of notes related thereto, transmitted to the Senate today by the President of the United States, and that the convention, together with the President's message, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message from the President is as follows:

EXECUTIVE F, 91–1

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the consular convention between the United States of America and the Kingdom of Belgium, signed at Washington on September 2, 1969, and two exchanges of notes related thereto.

The convention deals with the conduct of consular relations between the two countries and the functions, privileges, and immunities of their respective consular officers. Upon entry into force it will replace the consular convention of March 9, 1880 between the United States and Belgium. Like other recent consular conventions of the United States, the new convention with Belgium covers such important matters as the obligations of the two countries to assure free communication between a citizen and his consul, to inform consular officers of the arrest or detention of their countrymen, and to permit visits by consuls to any of their countrymen who are in prison. It covers consular functions and responsibilities in such fields as the issuance of visas and passports, and the performance of notarial services. It provides for the inviolability of consular communications, documents, and archives, and the obligations of the host country to protect consular premises against intrusion or damage.

I recommend that the Senate give early and favorable consideration to the convention and related exchanges of notes and give its advice and consent to the ratification thereof.

I transmit also, for the information of the Senate, the report of the Secretary of State with respect to the convention and exchanges of notes.

RICHARD NIXON.

THE WHITE HOUSE, *October 8, 1969.*

ORDER IN THE SENATE

Mr. BYRD of West Virginia. Mr. President, the Senate is not in order. Will the Chair direct the Sergeant at Arms that all attachés either take seats or leave the Chamber?

The PRESIDING OFFICER. The Sergeant at Arms is directed to make sure that attachés leave the Chamber or take seats.

Mr. YOUNG of Ohio. Mr. President, a point of order. That rule will be in effect throughout the remainder of today, will it not?

The PRESIDING OFFICER. The Senator from Ohio is correct.

Mr. YOUNG of Ohio. I thank the Chair.

ESTABLISHMENT OF A BOARD OF ENVIRONMENTAL QUALITY ADVISORS

Mr. JACKSON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1075.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1075) to establish a national policy for the environment; to authorize studies, surveys, and research relating to ecological systems, natural resources, and the quality of the human environment; and to establish a Board of Environmental Quality Advisors, which was to strike out all after the enacting clause and insert:

That the Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environmental, both living and nonliving, and the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, urban and rural planners, industry, labor, agriculture, science, and conservation organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fufill the social, economic, and other requirements of present and future generations of Americans.

SEC. 2. The President shall transmit to the Congress annually beginning June 30, 1970, an Environmental Quality Report (hereinafter referred to as the "report") which shall set forth (1) the status and condition of the major natural, manmade, or altered environmental classes of the Nation, including, but not limited to, the air, the aquatic, including marine, estuarine, and fresh water, and the terrestrial environment, including, but not limited to, the forest, dryland, wetland, range, urban, suburban, and rural environment; (2) current and foreseeable trends in management and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Nation; (3) the adequacy of available natural resources for fulfilling human and economic requirements of the Nation in the light of expected population pressures; (4) a review of the programs and activities (including regulatory activities) of the Federal Government, the State and local governments, and nongovernmental entities or individuals, with particular reference to their effect on the environment and on the conservation, development, and utilization of natural resources; and (5) a program for remedying the deficiencies of existing programs and activities, together with recommendations for legislation.

SEC. 3. There is created in the Executive Office of the President a Council on Environmental Quality (hereafter referred to as the "Council"). The Council shall be composed of five members who shall be appointed by the President, one of whom the President shall designate as chairman, and each of whom shall be a person who, as a result of his training, experience, and attainments, is exceptionally qualified to analyze and interpret environmental information of all kinds, to appraise programs and activities of the Government in the light of the policy set forth in subsection (a) of this section, and to formulate and recommend national policy to promote the improvement of our environmental quality.

SEC. 4. The Council may employ such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Council may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this section, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

SEC. 5. It shall be the duty and function of the Council—

(a) to assist and advise the President in the preparation of the Environmental Quality Report;

(b) to gather timely and authoritative information concerning the conditions and trends in environmental qualities both current and prospective, to analyze and interpret such information for the purpose of determining whether such conditions and trends are interfering, or are likely to interfere, with the achievement of the policy set forth in subsection (a) of this section, and to compile and submit to the President studies relating to such conditions and trends;

(c) to appraise the various programs and activities of the Federal Government in the light of the policy set forth in subsection (a) of this section for the purpose of determining the extent to which such programs and activities are contributing to the achievement of such policy, and to make recommendations to the President with respect thereto;

(d) to develop and recommend to the President national policies to foster and promote the improvement of environmental quality to meet social, economic, and other requirements of the Nation; and

(e) to make and furnish such studies, reports thereon, and recommendations with respect to matters of policy and legislation as the President may request.

SEC. 6. The Council shall make an annual report to the President in May of each year.

SEC. 7. In exercising its powers, functions, and duties under this section—

(a) the Council shall consult with such representatives of science, industry, agriculture, labor, conservation, organizations, State and local governments, and other groups, as it deems advisable; and

(b) the Council, shall, to the fullest extent possible, utilize the services, facilities, and information (including statistical information) of public and private agencies and organizations, and individuals, in order that duplication of effort and expense may be avoided.

SEC. 8. (a) Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following:

"(20) Chairman, Council on Environmental Quality."

(b) Section 5315 of title 5, United States Code, is amended by adding, at the end thereof, the following:

"(92) Members, Council on Environmental Quality."

SEC. 9. Nothing in this Act shall increase, decrease, or change any responsibility or authority of any Federal official or agency created by other provision of law.

SEC. 10. There are authorized to be appropriated to carry out the provisions of this Act not to exceed $300,000 for fiscal year 1970, $500,000 for fiscal year 1971, and $1,000,000 for each fiscal year thereafter.

And, amend the title so as to read: "An act to provide for the establishment of a Council on Environmental Quality, and for other purposes."

Mr. JACKSON. Mr. President, on July 10, 1969, the Senate passed S. 1075, the Environmental Policy Act of 1969. On September 23 the House of Representatives passed H.R. 12549, "a bill to provide for the establishment of a Council on Environmental Quality, and for other purposes," by a vote of 372 to 15. Following adoption of H.R. 12549, a motion was offered to strike all after the enacting clause of S. 1075, and to substitute therefor the text of the House passed bill, H.R. 12549.

The motion was agreed to, the House insisted on its amendments to the Senate bill—S. 1075—and requested a conference on the disagreeing votes of the two Houses.

Mr. President, upon the conclusion of my remarks on the history and content of the House and Senate passed bills, and the important differences in the two measures, I intend to call up S. 1075, and move that the Senate disagree to the amendments of the House, agree to the conference requested by the House, and appoint the conferees for the Senate.

Mr. President, over the past decade there have been some very remarkable changes in public attitudes toward the manner in which the Nation's natural resources are administered. In the past, the public was concerned about policies designated by the terms "conservation," "preservation," and "multiple use." Today, a new set of words and concepts have come into wide public use in discussing the Nation's irreplaceable natural resource base. These words and concepts include "ecology," "environment," and the "inter-relatedness" of all aspects of the physical environment.

These changes in public attitudes and the growing public awareness and concern over man's limited natural resource base were perhaps best articulated during the decade of the sixties by former Secretary of the Interior Stewart Udall. Secretary Udall made the inadequacy of the Nation's knowledge, policies, priorities and institutions for the administration of the public's resources and man's total environment an important public issue.

title, the Board may from time to time establish advisory committees. Committee members shall be selected from among representatives of various State, interstate, and local government agencies, of public or private interests concerned with population growth, environmental quality, and planning for the future, and of the other public and private agencies demonstrating an active interest, as well as other individuals in the fields of population, biology, medical science, psychology, social sciences, ecology, agriculture, economics, law, engineering, and political science who have demonstrated competence with regard to problems of the environment.

(b) The members of the advisory committees appointed pursuant to this title shall be entitled to receive compensation at a rate to be fixed by the Board, but not exceeding $100 per diem, including traveltime, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

(c) The Board shall organize and convene a biennial forum on current problems and issues concerning environmental quality, population, and the future, and publish the proceedings thereof, and participants in such forums shall be selected from among representatives of various State, interstate, and local government agencies, of public or private interests concerned with population growth, environmental quality, and planning for the future, and of other public and private agencies demonstrating an active interest, as well as other individuals in the fields of population, biology, psychology, medical sciences, social sciences, ecology, agriculture, economics, law, engineering, and political science who have demonstrated competence with regard to problems of the environment.

SEC. 304. The Board may employ such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Board may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this Act, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

SEC. 305. There are hereby authorized to be appropriated $1,000,000 annually to carry out the purposes of this title.

Amend the title so as to read: "A bill to establish a national policy for the environment; to authorize studies, surveys, and research relating to ecological systems, natural resources, and the quality of the human environment; and to establish a Board of Environmental Quality Advisers."

Mr. ALLOTT. Mr. President, as the ranking minority member of the Senate Interior and Insular Affairs Committee, I wish to congratulate our distinguished chairman, the Senator from Washington (Mr. JACKSON), for his unending efforts in obtaining passage of the National Environmental Policy Act of 1969, a measure of particular importance in this era of ever degrading environment.

I believe that some background information would be helpful at this point. Let me take just a moment to trace the historical development of S. 1075.

The concept of a high level council on conservation, natural resources, and environment is not new. It first found support from a former chairman of the Senate Interior Committee, the late Senator Murray. In the 86th Conrgess, he introduced S. 2549, the Resources and Conservation Act, which would have established a high level council on environmental advisers along with the first expression of a comprehensive environmental policy.

The bill while not enacted into law, provided a vehicle for obtaining information in this vital area. The 4 days of hearings before the Senate Interior Committee still serve as a useful reference in this area.

This concept of establishing an environmental policy was carried on in subsequent sessions of Congress. In the 89th Congress, S. 2282 entitled the "Ecological Research and Surveys Act" was introduced by the Senator from Wisconsin (Mr. NELSON). The provisions of this bill were later incorporated into S. 2805, introduced in the 90th Congress by the chairman (Mr. JACKSON), and the former ranking minority member of the committee, Thomas Kuchel.

S. 2805, and similar other measures were the subject matter of a unique joint House-Senate colloquium held July 17, 1968. This colloquium, which was jointly sponsored by the Senate Interior Committee and the House Science and Astronautics Committee, provided a forum for Members of Congress and interested parties to meet and discuss these important issues.

During the 91st Congress three bills were introduced dealing with environmental policy and the creation of new overview institutions.

These bills—S. 237, S. 1075, and S. 1752—were all referred to the Senate Interior Committee, and open hearings were held on them in April of this year. Along with the usual notice in the RECORD, personal invitations were sent to Senators who had expressed a particular interest in this area, to attend and participate in the April hearings.

After the hearings, on May 29, 1969, the chairman introduced amendment No. 25. This amendment resulted from suggestions made by administration witnesses. There was general agreement by administration witnesses, including Dr. DuBridge that a statutory declaration of a national environmental policy would be both appropriate and useful.

Senators will recall that President Nixon had committed himself in the 1968 campaign to a policy of improving the environment in his October 18, 1968, radio address entitled: "A Strategy of Quality: Conservation in the Seventies." In that address, Candidate Nixon characterized our environmental dilemma in these words:

> The battle for the quality of the American environment is a battle against neglect, mismanagement, poor planning and a piecemeal approach to problems of natural resources.

Acting upon that commitment, President Nixon established by Executive order the Environmental Quality Council in May of 1969. This Council is of the highest level. The President, himself, is chairman, and its membership includes the Vice President and five Cabinet members. The council provides the action mechanism to implement environmental policy decisions.

S. 1075, as passed by the Senate, was coordinated with the administration, and was intended to complement the actions taken by the President. As a result, the bill, as reported was cosponsored by every member of the Senate Interior Committee.

As Dr. DuBridge expressed it during the hearings:

> I agree completely that one must have independent evaluations of the activities and responsibilities of the various departments, that it must have the best outside advice that one can get, and operate out of the President's Office to bring the best adversary position . . . to the attention of the Council.

That is what the Board of Environmental Quality Advisors, as envisioned by S. 1075, is intended to do.

In June of this year, after thorough discussions, S. 1075 was ordered to be reported by the Senate Interior Committee. Subsequent to this order, the administration through Director Mayo, of the Bureau of the Budget, recommended further amendments. On July 8, the committee, in a unique move, reconsidered the bill and adopted several of the recommended amendments.

On July 8 the bill was once again ordered reported. The report was filed on July 9 and S. 1075 was passed by the Senate on July 10.

Mr. President, I believe that this historical development is most important for several reasons. First, it shows the amount of work and thought which has gone into this bill. Second, it shows the degree of openness that the committee has displayed during this time. The committee sought suggestions, aid, and participation from Senators, Members of the House, and from the administration. Our committee listened to and acted upon suggestions from many sources.

I believe that it is both timely and appropriate for the Senate to move forward in completing congressional action on this important and urgent matter by appointing conferees to resolve the differences between the House and Senate passed versions of S. 1075. It should be noted, Mr. President, that the House has already appointed its conferees.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to, and the Presiding Officer appointed Mr. JACKSON, Mr. CHURCH, Mr. NELSON, Mr. ALLOTT, and Mr. JORDAN of Idaho conferees on the part of the Senate.

WATER QUALITY IMPROVEMENT ACT OF 1969

The Senate resumed the consideration of the bill (S. 7) to amend the Federal Water Pollution Control Act, as amended, and for other purposes.

Mr. MUSKIE. Mr. President, there are other matters involving the water pollution control provisions of the bill which will be discussed later in the afternoon, but at this moment I understand we will turn to the consideration of an amendment to be offered by the distinguished Senator from Delaware (Mr. WILLIAMS) involving a matter in which the distinguished Senator from North Carolina (Mr. JORDAN) is interested.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield.

Mr. WILLIAMS of Delaware. I would like to ask a question relating to title III, which begins at the bottom of page 80 of the bill and is entitled "Property Acquisitions."

I am not raising any question of germaneness; but would the Senator explain what the construction of a new Senate Office Building has to do with water and air pollution? I know our procedures are sometimes strange, but what is the relationship between the two subjects? Why are they tied together?

Mr. MUSKIE. May I say that substantively there is none. I think the Senator from North Carolina (Mr. JORDAN) is in a better position to explain how it happens to be here.

May I add that the problem of space for Senators is a pressing one. I know the Senator from North Carolina is more aware of it than I. When he posed to me and to the committee the proposal to include this provision in the bill, I told him I would agree to it, provided it was made clear to the Senate that it was here, that no one would be taken by surprise, that the Senate would have a full opportunity to consider it, and that there would be no effort to try to give it a quiet ride through the Senate. The Senator from North Carolina agreed to that.

Mr. WILLIAMS of Delaware. The reason I raised the question is that there are many who are in favor of the air and water pollution bill itself, but we question the wisdom of attaching a rider to it that we would oppose. I am wondering if this is not a method of getting a free ride on a bill for a measure that could not pass on its own merits.

As to the argument being made on the need for more space, there are two ways of approaching that problem. One is by the more expensive way of constructing another building. Another way, which would be more constructive, would be to cut back on some of the overstaffed subcommittees. A Senator can hardly get in and out of his office because of the number of subcommittees. The idea that the Senate should have enough subcommittees so that every Member can be a chairman results in Members almost being run by the staffs.

I remember when I came here 23 years ago our committees, subcommittees, and Senators, were all in one building. Since that time we have had another building. Now it is proposed to have a third. Let us face it, the Senate committees are overstaffed. I doubt if any Senator can name the subcommittees even on his own committee, there are so many of them.

The subcommittees are so overstaffed and overcrowded that they crowd the Senate floor. Ofttimes we can hardly get in the Senate because it is so overcrowded with staff members.

In order to check this inflationary spiral we are proposing the repeal of the 7-percent investment credit to encourage private industry to cut back on plant expansion, and the President of the United States, by Executive order, has called on State and local governments and all Government agencies to roll back construction of new projects by 75 percent in order to relieve some of the inflationary pressure. I just wonder if we in the Senate are setting the proper example. In the light of all the requests to private industry and all agencies of Government can we say to them, "We meant for all of you to cooperate; but ourselves—we want a new building."

Would it not be better to postpone and consider this matter at a later time?

Mr. MUSKIE. I think the Senator has served a useful purpose by giving the Members of the Senate an opportunity to make that decision.

Mr. WILLIAMS of Delaware. I will just make this innocent observation. Perhaps there is some relationship between the proposal for a new Senate Office Building and air pollution, so I will not raise a point its not being germane to the pollution problem. I await with interest to hear the explanation.

Mr. MUSKIE. I do not know of any relation, I will say to the Senator.

Mr. WILLIAMS of Delaware. I would not suggest there is—not for the moment.

Mr. SCOTT. Mr. President, I am extremely delighted that the Public Works Committee in reporting this most vital Water Quality Improvement Act of 1969 has seen fit to incorporate a most important amendment which would provide for the training of waste treatment plant operators.

I suggested this amendment, Mr. President, because of the magnitude of need and the critical shortage of trained operators in water pollution control plants throughout the Nation. I was particularly pleased that the distinguished Air and Water Pollution Control Subcommittee chairman, Senator MUSKIE, and the ranking Republican member, Senator BOGGS, incorporated my amendment. I would also like to thank the distinguished chairman of the Public Works Committee, Senator RANDOLPH, and Senator COOPER, the ranking member, as well as the other Senators on the Public Works Committee.

As I have stated before, it is estimated that Federal, State, and local governments will spend $8 billion by 1974 for new and improved water pollution control facilities. However, no adequate provision has been made to train personnel to run these plants once they are constructed.

There is a critical shortage of approximately 23,000 trained operators in water pollution control plants throughout the Nation. Many of our existing waste treatment plants are operating well below their reasonable potential, thereby causing unnecessary pollution of our streams and rivers. If the struggle for clean water is to be won, we must improve the skills of existing operators and add substantially to their numbers.

The magnitude of the need can be seen by looking at the situation in Pennsylvania. Pennsylvania has 307 square miles of inland waters. It has a total of 460 water treatment facilities and 1,142 communities with sewer systems. If each of these 1,142 communities and each of the 460 treatment plants employed one operator—and obviously some employ many more—you can quickly estimate the number of operators who are involved in one way or another with pollution control. Many of the existing operators will need additional training as plants are modernized and new treatment procedures initiated. When you add to this number the 665 communities in Pennsylvania that have no treatment facilities, but will be acquiring plants in the near future, you can see the amount of training which is needed for efficient operation of pollution control facilities. That is only one State.

It was to meet this need that I offered this amendment to the water quality improvement bill—S. 7—which would establish a 2-year pilot program for the training of plant operators. It would provide $5 million the first year, and $7½ million the second, to train about 9,000 men.

If my pilot program is successful, I foresee that training will be an integral part of all future pollution control planning. I quote from the Public Works Committee report:

> The committee was pleased to receive and include in the bill a proposal by Senator Hugh Scott to authorize pilot programs for training plant operators and technicians. The committee recognizes that a great deal more than a pilot program will be required if Federal funds for sewage treatment plant construction are to be invested wisely, but believes operating experience with a pilot program would provide a sound base for expanded legislation in the near future.

The pilot program which I have introduced is the first step in insuring that our Nation's antipollution efforts are backed up by well-trained personnel. I will study closely the operation of this training program, and I will be ready with followup legislation to expand it so that clean streams will become a reality, not a wish.

Again, I thank the committee for the favorable consideration of this amendment.

Mr. MUSKIE. In response to the distinguished Senator from Pennsylvania, I would like to express to him the appreciation of the subcommittee for his valuable contribution to the Water Quality Improvement Act. The amendment to provide for a pilot program of manpower training for waste treatment plant operators is an excellent example of how one program can accomplish two vital objectives.

First, this provision recognizes that the operation and maintenance of the Nation's waste treatment facilities will be only as good as the competence of the operators. Initial findings of the General Accounting Office have revealed that this competence has not been of the level necessary for the program's success. I hope that this pilot program, properly administered, will help correct this situation.

Second, this program will provide valuable job opportunities for many of the disadvantaged citizens in our Nation's metropolitan areas. By training the disadvantaged in a field which requires great technical expertise, this program should be a source of vital upward mobility for many Americans in the Nation's workforce.

I thank the Senator from Pennsylvania.

Mr. JORDAN of North Carolina. Mr. President, at the very outset, with re-

spect to title III of the bill, I want to make it perfectly clear that this proposal was passed last year and sent to the House. It was not acted on, and it died in the House.

I want to make it perfectly clear that the bill before us does not contemplate building anything. I want to get that straight. I want to get it straight on the record. The Committee on Public Works does not contemplate building anything. So that part of the colloquy which we have had so far does not belong in this debate whatsoever.

The bill proposes to buy the land adjoining the New Senate Office Building, where the Capitol Hill apartment house is and where the Schotts Court apartment is now located. The purpose of the bill is to provide room, without building anything.

The Capitol Hill apartment building is approximately 30 feet, on C Street, from the New Senate Office Building, and completely in line. The Architect of the Capitol has stated, after exhaustive surveys, that a ramp could very easily and very inexpensively be built from the New Senate Office Building into that building. There are 58 apartments in the building. It has elevators, it has air conditioning, and it meets the fire standards of the District of Columbia. We could almost immediately get possession of the building after it is acquired, and move several of these subcommittees that the Senator has spoken of over into that building.

So we are not contemplating building anything. The Schotts Court apartments, which are there, we would contemplate still be rented, to the same renters if they want to rent them, and the Government would collect the rent. The sole purpose of this provision is to get some more room.

Last year, before I authored S. 2484, I sent out a letter to every Senator and to the chairman of every committee and every subcommittee, asking how much space, if any, they needed, because it is my unpleasant duty, as the chairman of the Senate Rules Committee, to allot space.

You cannot allot space you do not have. I do not think there is a day that some Senator does not come to me needing space. I know they do need it. Right now, we have one Senator who has part of his offices in the Old Office Building and part of them in the New Building. There is no place to put him otherwise. That is not very convenient. I know he is crowded, and so are the rest of us.

Mr. President, I made a little note here this morning, or had it made for me, to say why, in my opinion and in the opinion of a great many others, it is necessary for Senators to have bigger staffs today than they had when I came here something over 11 years ago. I had a survey made in my own office some time ago, to see what had happened to the correspondence in my office. I found, to my amazement, that my correspondence had increased about tenfold in the last 10 years.

This morning I have had four people come to see me—some of them I saw out here, and some of them in the office—about the tax bill which we have before us right now. I am sure the same thing is happening to every other Senator. People are interested in it; they have problems, they write us about them, and we have to try to get the answers and write to them. Mr. President, it takes help to do that.

Thirty-eight new agencies have been created in the last 10 years, which have generated mail, I do not know how many times over what it had been. On the gun bill, for example, my own office handled more than 50,000 letters on that one issue.

It takes people to do that. Every day something new comes along which creates a lot of new correspondence. I do not know how much mail the Elementary-Secondary School Act has created, but it has been substantial. There is no use for me to list all these 38 agencies; other Senators know them as well as I do. Incidentally, a great many of those agencies have had big buildings built for them downtown, with a hundred times more room than we anticipate getting out of this old apartment building.

This building and the land should have been bought at the time we acquired the land to build the New Senate Office Building. Senators at that time who were acquainted with the situation said we should have bought it all at that time, because we could have gotten it much cheaper than we can today. I emphasize, Mr. President, that we are not contemplating building anything. But we want to get this building, because we need it now. It is an economical way to provide space for Senators who badly need the space.

In response to my inquiry, 72 Senators wrote me that they needed space, and 25 chairmen of full committees and subcommittees are asking for space. I held hearings, and they came before the committee and testified. Some Senators now present on the floor testified before that committee.

One Senator came to me just the other day and asked, "When are you going to get me some more room?"

I said, "Vote for this bill, and maybe we can get it for you."

Mr. President, that is why we should buy it now.

Mr. WILLIAMS of Delaware. Mr. President, the Senator says that if the space is not needed now it soon will be. If the Senate does as it has in the past, we would no doubt create more subcommittees to fill the offices in short order.

My point is that the Senate already has more subcommittees now then Senators can supervise. The late Senator from Tennessee, Mr. Kefauver, 20 years ago created a committee which was to extend for 2 years, to investigate juvenile delinquency.

That committee is still in existence. The Senator has passed on, but the committee is still living as a monument. I do not know of a single subcommittee that once having been started, no matter what its function, has ever been terminated. Some Senator the other day suggested that we ought to have a subcommittee to determine how many subcommittees we have. It may be a good idea; I am sure no one knows.

But really, at a time when we are repealing the 7 percent investment tax credit, when we are suggesting to all the rest of the country that this is not a time to construct new buildings, we ought to be setting the example. The argument that we are not going to build a new building now does not impress me; if I know the Senate, once we buy the land there will be a building started on it in short order. The same argument was made a few years ago when the Senate decided to get the land for the second office building. It was said then, "Oh, all we are going to do is buy the land, and the building will take care of itself later." It did; the building is there.

Frankly, Mr. President, I do not think the Senate needs the space at this time. I think the functioning of the Senate would be much more efficient if we trim it down to size by eliminating many of the present subcommittees. I do not see why every Member of the Senate has to be a subcommittee chairman. If that is the only way he can enhance his prestige perhaps he does not deserve recognition.

Why not get rid of some of these subcommittees? Then Senators would have more time to spend on the floor of the Senate and handle the Senate's business.

Moreover, this proposal should not be a part of the air and water pollution bill. If it cannot ride on its own merits it should be rejected.

Mr. President, I send to the desk an amendment to delete that section from the bill, and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Delaware (Mr. WILLIAMS) proposes an amendment, as follows:

On page 80, beginning with line 22, strike out all down to and including line 3 on page 83.

The language proposed to be stricken is as follows:

TITLE III—PROPERTY ACQUISITION

SEC. 301. (a) (1) The Architect of the Capitol, under the direction of the Senate Office Building Commission, is hereby authorized to acquire on behalf of the United States, in addition to the real property heretofore acquired as a site for an additional office building for the United States Senate under the provisions of the Second Deficiency Appropriations Act, 1948, approved June 25, 1948 (62 Stat. 1028) and Public Law 85–591, approved August 6, 1958 (72 Stat. 495–496), by purchase, condemnation, transfer, or otherwise, for purposes of extension of such site, all publicly, or privately owned property contained in lots 863, 864, 892, 893, 894, and 905 in said square 725 in the District of Columbia, and all alleys or parts of alleys and streets contained within the curblines surrounding such square, as such square appears on the records in the Office of the Surveyor of the District of Columbia as of the date of enactment of this Act.

(2) Any proceeding for condemnation brought under paragraph (1) shall be conducted in accordance with the Act of December 23, 1963 (16 D.C. Code, secs. 1351–1368).

(3) Notwithstanding any other provision of law, any real property owned by the United States and any alleys or parts of alleys and streets contained within the curblines surrounding square 725 shall, upon request of the Architect of the Capitol, made with the approval of the Senate Office Building Commission, be transferred to the jurisdiction and control of the Architect of the Capitol, and any alleys or parts of alleys or streets

contained within the curblines of said square shall be closed and vacated by the Commissioner of the District of Columbia in accordance with any request therefor made by the Architect of the Capitol with the approval of such Commission.

(4) Upon acquisition of any real property pursuant to this section, the Architect of the Capitol, when directed by the Senate Office Building Commission to so act, is authorized to provide for the demolition and/or removal of any buildings or other structures on, or constituting a part of, such property and, pending demolition, to use the property for Government purposes or to lease any or all of such property for such periods and under such terms and conditions as he may deem most advantageous to the United States and to incur any necessary expenses in connection therewith.

(5) The jurisdiction of the Capitol Police shall extend over any real property acquired under this section and such property shall become a part of the United States Capitol Grounds.

(b) For carrying out the purposes of this section, there is hereby authorized to be appropriated $1,250,000. The Architect of the Capitol, under the direction of the Senate Office Building Commission, is authorized to enter into contracts and to make such expenditures, including expenditures for personal and other services, as may be necessary to carry out the purposes of this section.

Mr. WILLIAMS of Delaware. Mr. President, there is no need to debate this issue for any length of time. Senators are well aware of what is involved. It is, to state the matter simply, does the Senate wish to exclude itself from the rules we have laid down in calling on industry to postpone its expansion plans at this time in order to combat inflation? The Senate has called upon all State agencies to delay new public works construction. The question is, does the Senate wish to exempt itself from this rule? As one Member of the Senate my answer is, "No."

I will ask for a RECORD vote on this amendment, but I shall have to suggest the absence of a quorum to obtain a sufficient second to ask for the yeas and nays. I am willing to withold that request now if the Senator from North Carolina wishes to speak further at this time.

Mr. JORDAN of North Carolina. Mr. President, I only wish to say, for the benefit of the Senator from Delaware and everyone else who is present, that I have nothing to do with the creating of subcommittees. I did not create a single one of them, so I have no power to say we are going to get rid of them. That is something I have nothing to do with.

All I know is that they come to the Committee on Rules and ask for space. I try to provide it for them, because they are here, and I do not know what else to do. This is the only way we can do it. We do not want to build a building at all; there is nothing in the bill about building a building. All we want is more space.

Mr. WILLIAMS of Delaware. Mr. President, the Senator from North Carolina is correct; he is only one Member of the Senate. He says he has no authority to get rid of subcommittees, but I might point out that he underestimates his position. It is his committee that approves the money for these subcommittees, and without the money the subcommittees would quickly vanish. As long as the Senator's committee makes the funds available, I am sure the subcommittees will flourish and proliferate.

I know that every year the Senator from Louisiana, myself, and a few other Senators have pointed out how much it is costing just to staff these subcommittees. That debate has been carried on by some of us over a period of years, but we have always been in the minority. Saving money is not too popular on the Potomac front.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays on the amendment of the Senator from Delaware (Mr. WILLIAMS).

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the adoption of the amendment offered by the distinguished Senator from Delaware. The yeas and nays have been ordered.

Mr. JORDAN of North Carolina. I am ready to proceed to the vote.

Mr. WILLIAMS of Delaware. Mr. President, I understand that the yeas and nays have been ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. WILLIAMS of Delaware. Mr. President, I am perfectly willing to proceed to vote. The issue is very clear. This is an air and water pollution bill, supposedly, and I fail to see any connection as to why one section should be set aside to build a third Senate Office Building. The argument that it does not provide the building is immaterial. I know that if the Senate buys the land, the building will be built; and if it is not going to be built, why proceed with the procurement of the land?

At a time when we are asking private industry to cut back their expansion plans, at a time when all other public works projects are being cut back, I do not think the Senate ought to exempt itself from the rules laid down for all the people.

I hope the amendment will be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Delaware. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Washington (Mr. MAGNUSON), and the Senator from New Jersey (Mr. WILLIAMS) are absent on official business.

I further announce that, if present and voting the Senator from New Jersey (Mr. WILLIAMS) and the Senator from New Mexico (Mr. MONTOYA) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. SAXBE) is necessarily absent and, if present and voting, would vote "nay."

The result was announced—yeas 25, nays 62, as follows:

[No. 116 Leg.]

YEAS—25

Aiken	Ellender	Packwood
Allen	Fannin	Pastore
Allott	Goldwater	Proxmire
Bennett	Griffin	Scott
Byrd, Va.	Hansen	Smith, Maine
Cooper	Jordan, Idaho	Tower
Curtis	Miller	Williams, Del.
Dole	Mundt	
Dominick	Murphy	

NAYS—62

Anderson	Goodell	Nelson
Baker	Gore	Pearson
Bayh	Gurney	Pell
Bellmon	Hart	Percy
Bible	Hatfield	Prouty
Boggs	Holland	Randolph
Brooke	Hollings	Ribicoff
Burdick	Hruska	Schweiker
Byrd, W. Va.	Hughes	Smith, Ill.
Cannon	Jackson	Sparkman
Case	Javits	Spong
Church	Jordan, N.C.	Stennis
Cook	Kennedy	Stevens
Cotton	Mansfield	Symington
Cranston	Mathias	Talmadge
Dodd	McClellan	Thurmond
Eagleton	McGee	Tydings
Eastland	McIntyre	Yarborough
Ervin	Metcalf	Young, N. Dak.
Fong	Mondale	Young, Ohio
Fulbright	Muskie	

NOT VOTING—13

Gravel	Magnuson	Russell
Harris	McCarthy	Saxbe
Hartke	McGovern	Williams, N.J.
Inouye	Montoya	
Long	Moss	

So the amendment of the Senator from Delaware (Mr. WILLIAMS) was rejected.

Mr. MUSKIE. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. JORDAN of North Carolina. Mr. President, I move to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Pursuant to the previous order——

Mr. MANSFIELD. Mr. President, I ask unanimous consent that in view of an arrangement which has been made between the Senator in charge of the bill and the Senator from Idaho (Mr. CHURCH), the order of business be delayed until final passage of the pending bill.

Mr. CHURCH. And that it be expedited as much as possible.

Mr. MANSFIELD. Of course.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, I think we have worked out all the amendments and the colloquies so that we may be able to proceed to final passage within 10 minutes.

At this time, I ask for the yeas and nays on final passage.

Mr. President, I withdraw that.

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD at this point.

The amendment offered by Mr. KENNEDY is as follows:

On page 72 strike out lines one through eight and insert in lieu thereof the following:

"(i) the Secretary shall

"(A) engage in such research, studies, experiments, and demonstrations as he deems appropriate relative to the removal of oil from any waters and to the prevention and control of oil pollution;

"(B) publish from time to time the results of such activities; and

"(C) by June 30, 1970, develop and publish standardized specifications and other technical information on the various chemical compounds used as dispersants or emulsifiers in the control of oil spills.

In carrying out this subsection, the Secretary may enter into contracts with, or make grants to, public or private agencies and organizations and individuals."

Mr. KENNEDY. Mr. President, this amendment to S. 7 has as its purpose the strengthening of the research program authorized by section 104 of this bill.

My reason for offering this amendment is to reemphasize the intent of the Congress in offering all possible assistance to our State and local governments faced with major oil-spill disasters.

Section 104 of this bill amends section 5 of the Federal Water Pollution Control Act. Section 5, which authorizes the various research programs in water pollution control, would be amended to include a similar authorization for research into the prevention and control of oil pollution. In its most thorough report on S. 7, the Committee on Public Works clearly states its intention that research in this field, "be expedited and should receive priority in planning future budget requests." The report further states:

The Committee believes that developing effective techniques to deal with oil spills and making those techniques readily available at appropriate locations throughout the country is of the highest priority.

The complexity of the technical problems involved in the cleanup of accidental oil spills requires us to launch a major research effort into the technical aspects of cleanup operations. There are, today, over 2,400 chemicals—dispersants, emulsifiers, gelling agents, floating absorbents—whose properties suggest their potential use in oil spill cleanup efforts. However, the hard lesson of experience—learned during the *Torrey Canyon, Ocean Eagle,* Santa Barbara, and other serious spills—is that the injudicious application of chemicals can bring greater damage to our fish, and other natural resources than the oil itself. We need guidelines and standards for the use of these chemicals. We need to have immediate access to information about these chemicals. We need to insist that anyone involved in the cleanup of an oil spill be aware of the hazards and crucial disadvantages of the casual application of some types of chemicals.

Subsection (i) of section 104 grants general authority to the Department of the Interior to conduct the research into oil spill cleanups. However, it does not require the Secretary to set specific standards. My amendment would require the Secretary to develop and publish standardized specifications and other technical information on these chemicals by June 30, 1970. This would give our State and local officials the information they need to bring the full arsenal of chemical agents to bear on oil spills of various types, with minimum damage to fish and wildlife.

There is ample evidence that we are not moving fast enough in this area. Certainly, the interval between the San Juan spill and the Santa Barbara spill was significant enough to permit the completion of substantial research. But, when we were faced with the Santa Barbara incident, the Interior Department had no further knowledge about chemicals at its disposal than it did 11 months earlier, and had to delay cleanup efforts until determination on chemicals could be made.

By setting a deadline of June 30, 1970, we guarantee our coastal communities that the necessary research will be undertaken immediately, and that it will be available to them in the case of future, potentially disastrous, spills. We also insure that the intent of the Congress is this matter will be carried out by the Department of the Interior without delay.

Let me take this opportunity to commend, again, the committee for its fine and responsible work, and let me urge the adoption of this amendment.

Mr. President, in conclusion, I think the amendment is needed. We have seen that for too long the Department has failed to issue specifications and regulations. I think it is a reasonable time for the Secretary to establish those standards and specifications. I am hopeful the amendment will be agreed to.

Mr. MUSKIE. Mr. President, may I say, in response, that I have discussed the amendment with the distinguished Senator from Massachusetts; that the request for the mandate included in the amendment is within the general authority of the Secretary at the present time; and I think this specific mandate is wholly appropriate. I am willing to accept the amendment. I urge the adoption of the amendment by the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment was agreed to.

The committee amendment is open to further amendment.

If there be no further amendment to be proposed, the question is on agreeing to the committee amendment, in the form of a substitute, as amended.

The committee amendment, as amended, was agreed to.

Mr. MUSKIE. Mr. President, I ask unanimous consent that the Committee on Public Works be discharged from further consideration of H.R. 4148.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 4148.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 4148) to amend the Federal Water Pollution Control Act, as amended, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MUSKIE. Mr. President, I move to strike out all after the enacting clause in H.R. 4148 and insert in lieu thereof the language of S. 7 as amended.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield.

Mr. JAVITS. The bill will now contain the same manpower provisions as the Senate bill did. Is that correct?

Mr. MUSKIE. The Senator is correct.

Mr. JAVITS. I had understood from the Senator and he had given me assurances that in the implementation of these new manpower provisions every consideration would be given to the unemployables and those who are disadvantaged in terms of employment. I trust that the Secretary, in prescribing the terms and conditions of his agreements with public and private agencies would insure that every effort would be made to provide opportunities for such persons.

Mr. MUSKIE. That is right. We discussed it with the distinguished minority leader. I agree that this is a very appropriate program to be guided by those considerations.

Mr. SCOTT. Mr. President, if the Senator will yield further, I appreciate the courtesy of the distinguished Senator from Maine. This was an amendment of mine, in which I had a great interest. I am most appreciative that it is being given consideration.

Mr. MUSKIE. I thank my colleague.

Mr. President, I ask for the yeas and nays on passage.

The yeas and nays were ordered.

Mr. PERCY. Mr. President, our American society has finally come to recognize and to deal with an emerging national crisis: survival in the midst of a polluted environment. The clamor for survival has spread from a handful of conservationists to an ever-increasing number of Americans. We so often seem preoccupied with the problems which are exclusively urban in their effect. But environmental quality concerns us all because it affects—indeed it threatens—us all. Mr. President, we have reached the point, I believe, where the enhancement of environmental quality must be a major national goal.

Now that we have reached this point, we must look ahead to our needs for future legislation, as well as the direction and speed of Government administration of existing laws. The sacrifices, the plans, the strategy that we are to pursue to reach the goal of cleaning up this country's waterways must be clearly defined. I submit that the bill which we are

considering today makes significant advances in providing some of these much-needed and long-awaited answers. But, as encouraged as I am with this current effort, let me stress that it is only a beginning in our fight against the pollution of our environment.

The bill before us has numerous advantages in preparing us to fight the pollution battles. It lays down rules for dealing with oil spill catastrophes; it establishes standards for marine sewage discharges from vessels; it requires Federal licensees and permittees to comply with water quality standards; it provides for the identification, designation, and cleanup of hazardous substances other than oil; and it permits extended research authorizations, official encouragement, and development of an overall labor force trained to assist in the elimination of problems of operation and maintenance of pollution abatement equipment.

Of equal importance, the bill creates the Office of Environmental Quality. The Office will be primarily concerned with providing for representation of environmental interests in the numerous and varied policymaking forums across this country, both public and private. It is heartening that in the last few years there has occurred a new emphasis on ecology in the management of our natural resources. Failure in the past to give warranted attention to the interrelations between living organisms and their environment in the development and use of resources has had unfortunate, often disastrous, consequences. The creation of this Office of Environmental Quality will acknowledge Congress' new pledge to a "national policy of enhancement of environmental quality, a policy based on the concept that man and his environment are interrelated and that a quality environment is necessary to the improvement of living standards for all men."

Mr. President, I would suggest that this new Office is not an attempt to skirt the real issues but is rather an important, necessary means of finding a void, and providing a voice that too long has gone either inadequately represented or not represented at all.

In addition to the establishment of the Office of Environmental Quality, I am very enthusiastic that this bill gives recognition to some of the critical problems we are encountering in the Great Lakes. Nearly 30 million persons—15 percent of the Nation's inhabitants—live in the Great Lakes basin. These lakes supply this great population in America's heartland with water, food, transportation of raw materials, and manufactured goods, and outdoor recreation. But the pollution problems with which the citizens of this region must now contend are notorious. DDT is destroying the marine life in Lake Michigan, pollution is choking Lake Erie, industrial wastes threaten Lake Superior, algae and pesticides assault Lake Ontario, and the pollution of Lake Michigan and the industrial wastes of Saginaw Bay spill into Lake Huron. The $20 million authorized by this bill to study the pollution problems of the Great Lakes is a good beginning, though, obviously, it, too, is only a beginning. But it is a step we must take now in the war against pollution.

Mr. President, our thousands of rivers and lakes are suffering from the grave threat of pollution. The question is no longer whether we should abate pollution; rather, the question is how much time remains for us to save our environment. The bill now under consideration provides a beginning to our water cleanup effort. I commend the committee on its fine work and urge my colleagues to vote in favor of this bill.

Mr. BIBLE. Mr. President, I rise in support of the bill.

The Water Quality Improvement Act and the Environmental Quality Improvement Act embodied in this legislation are vitally needed. It has been well said that of the many threats facing this Nation and all of civilization today none is more alarming than the deteriorating quality of the natural environment in which we must live and work.

Our Nation has reached unsurpassed heights of technological and material progress. We have achieved a standard of living undreamed of at the turn of the century, and unmatched anywhere else on the planet. In our search for economic advancement and the comforts and convenience of a good life for all our people we have marshaled our natural resources and technological know-how with unparalleled sophistication. We stand as the economic wonder of the world.

I would not have it otherwise. But I am concerned—and all thinking Americans are concerned—over the impact our growth has had on our irreplaceable water resources, the air we breathe, our forests, and our grasslands. We have imposed too harshly on nature's bounty. We have taken our rivers and lakes for granted. We have ignored or overestimated their limited capacity to dilute and assimilate waste. Factories and powerplants belch their smoke and the life-giving air in our cities is dangerously smog laden. Industrial wastes and raw or poorly treated sewage has fouled our rivers, and endangered the very existence of many of our major fresh water lakes.

Lake Tahoe, which is shared by my own State of Nevada and by California, is without question one of America's most highly-prized natural assets. It is renowned for its scenic beauty and pristine clarity and purity.

This beautiful lake was able to resist pollution when human activity began accelerating as a result of settlement and early logging operations, but it is no match for the demands of modern man.

Recent years have seen explosive growth and development throughout the Tahoe Basin and along the lake shore. New highways and the postwar boom in tourism and outdoor recreation have changed Lake Tahoe from a quiet summer resort to a year-round major recreation area.

Rapid population and commercial growth has posed a serious threat to the Tahoe Basin. Ominous signs of water pollution are becoming all too evident. Not only the scenic beauty of the region but the very quality of its natural environment is now at stake.

In southern Nevada, the Lake Mead National Recreation Area is another of our endangered resources. Lake Mead is one of the most attractive, heavily used recreational areas in the United States. Its location near Las Vegas places it in one of the fastest growing metropolitan areas in the Nation, and this invaluable resource is feeling the pressures that come with increasing population and industrial densities. Sewage effluent and industrial wastes from the Las Vegas Valley are a contributing cause. They introduce high concentrations of plant nutrients into the lake and tributary waters. The result has been a gradual proliferation of aquatic algae, which consumes the oxygen in the water and is the prelude to stagnation and the ultimate death of irreplaceable water resources.

Fortunately, we in Nevada are only too well aware of these threats to our natural resources. We are not satisfied with the progress that is being made. In 1967, I offered a four-point program designed to coordinate the efforts of the Federal, State, and local governments to combat the Lake Mead problem. As a result, a local level interagency task force was established to go into the matter in depth and propose effective measures. The Federal Water Pollution Control Administration has provided valuable support. Some—but not enough—progress has been made. The pollution has not been abated, and I will not be satisfied until the deterioration of Lake Mead's water quality has ended.

Regarding Lake Tahoe, both Nevada and California have taken major steps to bring order and good planning to the development of the Tahoe Basin. Both have approved a regional planning compact that will establish ground rules for future development—standards that will see to the protection of the public interest in preserving the beauty and purity of the lake and basin for generations of Americans to come.

Early this session I introduced legislation to grant Congress' consent to this regional compact. I have pressed for action, but delays have been encountered due to the failure of the administration until recently to submit its report to the Judiciary Committee. This is essential legislation. The States are ready and anxious to get on with the business of protecting this unique resource. The Federal Government's interest would be fully protected under the compact, and I have high hopes the committee's schedule will permit the measure to be reported favorably to the Senate very soon.

Mr. President, I have referred to Nevada's water pollution problems. They typify problems faced by virtually every State in the Union—problems that demand the utmost in effort at all levels of government if we are to leave other than a legacy of waste for the future.

I know of nothing that should be of more fundamental concern to the Congress than the perils of pollution of our environment. What we do in this area we do to assure our children and grand-

children the quality of life our forebears enjoyed, but which now stands impaired.

The legislation now before the Senate is another in a line of measures enacted over recent years bespeaking the Nation's concern. I refer to the Water Pollution Control Act Amendments of 1963 and 1965, the Solid Waste Disposal Act of 1965, the Clean Water Restoration Act of 1966, and the Air Quality Act of 1967. I have supported these and every meaningful effort to provide for the preservation, protection, and restoration of our endangered resources.

Title I is a further step in the right direction. It will provide authority to establish Federal standards for the performance of marine sanitation devices to control sewage discharges from vessels. Waste from watercraft has a serious impact on the water quality of our bays, lakes, harbors, and marinas where vessels are concentrated. Both Lake Tahoe and Lake Mead will benefit from this.

Oil pollution is a major source of concern—particularly in light of the Santa Barbara Channel problem and the spectacular spills from the *Torrey Canyon* and the *Ocean Eagle*. The bill properly provides centralized authority to clean up oil spills regardless of the source, and for recovery of costs when the cleanup is done by the Federal Government.

Very importantly, title I of S. 7 seeks to insure compliance with water quality standards by Federal agencies, and by activities conducted under licenses and permits granted by the Federal Government. It requires that the Government itself, and those it licenses begin to consider the environmental aspects of their programs as a matter of first priority. The bill would require preconstruction water quality planning, and seeks to eliminate Federal participation in activities that are at odds with our national water quality programs.

I think this aspect of the bill is long overdue. We can hardly tolerate Federal oversight of water quality standards we have urged on the States, cities, and communities all across the Nation.

The bill also provides for the identification, designation, and cleanup of discharges of hazardous substances other than oil that foul and pollute our water resources.

I particularly applaud the bill's special attention to the problems confronting our fresh-water lakes. As the committee has pointed out in its report, at the present time there is no research facility anywhere exclusively devoted to basic and applied research in the causes and cures of lake pollution. Individual research is being conducted on various facets of the problem, but we lack a concentrated, coordinated attack.

Such an all-out campaign to overcome and put a stop to the degradation of our lake resources—in Nevada, in the Great Lakes, and throughout the Nation—is sorely needed.

Lake eutrophication research—so important if we are to overcome the problems facing the Great Lakes and others such as Lake Mead and Lake Tahoe would be pressed forward. I cannot overstress the importance of this kind of work.

New emphasis would also be placed on finding more effective means of removing oil pollution and combatting the acid-mine drainage that has so long impaired waterways in mining regions throughout the country. I think the report on the bill does an excellent job of reviewing the problems we face in each of these areas. It goes almost without saying that we must bend every effort toward overcoming these critical problems.

Mr. President, I also applaud the objective of title II of the present bill to provide the President with the management capability needed to bring coherence and consistency into the environmental activities of the Federal Government. Certainly Federal activities and federally assisted activities have a major impact on the environment.

Title II very properly requires that all federally supported public works projects and programs be planned and implemented in full recognition of their ecological impact.

The establishment of a full-time council or office on environmental affairs to review and analyze the administration of all environmental policies, programs, and activities of the Federal Government is long overdue. These problems cannot be handled effectively on an ad hoc or part-time basis. They require the kind of independent continuous high-level attention envisaged by title II of this legislation. An office of environmental quality—independent of other Federal agencies—is needed to make available to the President the substantive review and analysis of all matters relating to the environment.

Mr. President, I commend the committee for bringing forward an excellent bill, and urge its approval by the Senate.

Mr. HART. Mr. President, as we prepare to vote I wish to applaud the inclusion in this bill of the Great Lakes demonstration section, section 15, which authorizes $20 million for a concentrated attack on pollution in the Great Lakes. This is an absolutely critical item for our region, and indeed for the health and well-being of the whole country. For the sake of this section alone, S. 7 is deserving of our favorable action.

Mr. KENNEDY. Mr. President, one of the hard lessons of this decade has been the realization that the unchecked application of technology has resulted in the gradual and continuing destruction of our natural resources. And, although the Congress and the Nation have gone on record time and again as opposed to further despoilation of our environment, it continues today. For we continue to allow the pollution of our air and water resources at a rate not significantly less than that tolerated 5 or 10 years ago.

The only hope we have for the restoration of the resources we have denied to future generations of Americans is a true commitment to that restoration—a commitment of action, not of rhetoric; of funds, not of promises. We must launch an attack on every front—on air pollution; on water pollution; on solid waste disposal; and on thermal pollution. And we must do it now.

Since 1960, we in the Congress have taken steps to insure that such a commitment is made. We have enacted legislation to set standards, inaugurate programs, conduct research, and establish a good Federal-State partnership in a national pollution control effort. Since 1963, we have enacted the Clean Air Act, the Air Quality Act, the Water Quality Act, and the Clean Waters Restoration Act—to site but a few of the major pieces of legislation designed to deal with the various aspects of this national disgrace. But we have not adequately funded any of the programs authorized in this legislation. To illustrate the current funding gap in this area, I ask unanimous consent that a chart, entitled "The Water Pollution Control Funding Gap," taken from the September issue of Nation's Cities, be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KENNEDY. Mr. President, our failure to provide these necessary funds is a failure to respond to the demands of our citizens. A recent survey conducted by Newsweek magazine indicated that 56 percent of working Americans—taxpaying Americans—feel that we should allocate more funds to rid their communities of air and water pollution. It is my hope that this Congress, as the last of this decade, will make a commitment of funds that will allow us to progress toward our goal of total elimination of existing pollution and control of the causes of future pollution.

Today the Senate considers S. 7, a bill to amend the Federal Water Pollution Control Act. This legislation is important and necessary. Its passage will go far to indicate our congressional intent to maintain and expand our program to erase the stigma of pollution from our national and coastal waters.

S. 7 is based, in large part, on similar legislation considered by the Congress last year—S. 3206. I share in the disappointment that S. 3206 was part of that session's unfinished business. But I commend the committee, its distinguished chairman, Mr. RANDOLPH, and the subcommittee and its honored chairman, Mr. MUSKIE, for not allowing its measures to remain as unfinished business. The bill they have reported to the Senate today is both comprehensive and farsighted.

It embodies the significant proposals of S. 3206 and introduces new language to deal with a problem of major national concern. The problem, brought to light this year at an all to alarming rate, is the increased incidence and the continual treat of accidental oil spills in our coastal waters.

It is this section of S. 7, Mr. President, section 12, on which I would like to comment. In recent years, and at an increased rate this past year, accidental oil spills have brought untold damage to our coastal waters and beaches and to the biological, marine, and birdlife which inhabit these areas. Considerable and sometimes irreparable damage has also been done to the ecological balance of these waters. Only last month, in my own State of Massachusetts, another po-

tentially tragic oil spill occurred. Damages are still being investigated, but there is no question that they will be the most substantial inflicted to date in this area in terms of marine life. At the time of this most recent spill, I took the floor of the Senate to indicate my distress and to suggest possible measures and amendments to existing legislation to establish national policy and Federal responsibility in such matters. At that time, I most strongly urged further development of an interagency contingency plan; the requirement of a bonding mechanism for all vessels engaged in the ocean transport of oil cargoes; a liability requirement which would place the burden of proof of negligence on the vessel owner or operator; and, finally, the development of a comprehensive research effort in the use of chemicals and other technology in spill cleanup efforts.

The work of the committee is again worthy of commendation in this regard. The comprehensive report on S. 7 indicates that, as a result of extensive hearings, section 12 was drafted to incorporate many of these measures.

This section, and other sections of S. 7, specifically direct the President to delegate responsibility for the administration of the provisions of this and all sections to the Federal agencies which have jurisdiction over the areas and waters involved. I would like to suggest, however, that the President direct these agencies to establish from among their personnel a board of advisers who are both technical and logistical experts in such matters to be ready to fly to the scene of a major spill as soon as possible after notification of occurrence. The Civil Aeronautics Board employs such a team to fly to the site of aircraft disasters to determine cause and to aid in the removal of debris from the site. This is a good program and one which I feel easily evidences its transferability to oil spill disasters.

Section 12 requires that owners of vessels engaged in the transport of oil establish and maintain evidence of financial responsibility. Although this measure is not as broad as one I intended to introduce, it is my determination that it is adequate and will be effective.

Liability standards as outlined in section 12 also satisfy my intention. Under the terms of this section, the burden of proof is placed directly on the vessel operator to prove absence of negligence on his part.

Section 104 of S. 7 amends section 5 of the Federal Water Pollution Control Act to authorize the Secretary of the Interior to broaden the research program authorized by the act to include the conduct of research into the removal of oil from our waters. It is my feeling that directives to the Secretary in this matter should be more specific. He should be directed to conduct specific research on the use of dispersants, floating absorbents, gelling agents, and other chemicals. He should also be directed to establish standards for such chemicals. Therefore, I will introduce an amendment to strengthen the research authorization of S. 7.

EXHIBIT 1

WATER POLLUTION CONTROL FUNDING GAP—AUTHORIZATIONS VERSUS ALLOCATIONS UNDER THE 1966 CLEAN WATERS RESTORATION ACT

[In millions]

States	1968		1969		1970		1968–70 funding gap total [1]			
	Authorized	Allocated	Authorized	Allocated	Authorized	Allocated	Total dollars authorized	Total dollars allocated	Total dollar gap	Percent not funded
Total	$450.0	$203.0	$700.0	$214.0	$1,000.0	$214.0	$2,150.0	$631.0	$1,519.0	70.7
Alabama	8.4	4.1	12.9	4.1	18.3	4.1	39.6	12.3	27.3	68.9
Alaska	1.2	.9	1.5	.9	1.9	.9	4.6	2.7	1.9	41.3
Arizona	3.8	2.0	5.6	2.1	7.8	2.1	17.2	6.2	11.0	64.0
Arkansas	5.2	2.9	7.6	2.8	10.6	2.8	23.4	8.5	14.9	63.7
California	35.3	14.6	56.9	14.9	82.8	14.9	175.0	44.4	130.6	74.6
Colorado	4.7	2.4	7.1	2.4	10.0	2.4	21.8	7.2	14.6	67.0
Connecticut	6.2	2.9	9.7	2.9	13.9	2.9	29.8	8.7	21.1	70.8
Delaware	1.6	1.1	2.3	1.1	3.0	1.1	6.9	3.3	3.6	52.2
District of Columbia	2.3	1.3	3.3	1.3	4.6	1.3	10.2	3.9	6.3	61.8
Florida	11.8	5.3	18.6	5.4	26.8	5.4	57.2	16.1	41.1	71.9
Georgia	9.8	4.6	15.1	4.6	21.6	4.6	46.5	13.8	32.7	70.3
Hawaii	2.2	1.4	3.0	1.3	4.1	1.4	9.3	4.1	5.2	55.9
Idaho	2.5	[2] 5	3.4	1.6	4.5	1.6	10.4	3.7	6.7	64.4
Illinois	22.9	9.6	36.7	9.8	53.4	9.8	113.0	29.2	83.8	74.2
Indiana	11.1	4.9	17.5	5.0	25.2	5.0	53.8	14.9	38.9	72.3
Iowa	6.9	3.3	10.7	3.3	15.3	3.3	32.9	9.9	23.0	69.9
Kansas	5.7	2.8	8.6	2.8	12.2	2.8	26.5	8.4	18.1	68.3
Kentucky	7.8	3.7	12.0	3.8	17.0	3.8	36.8	11.3	25.5	69.3
Louisiana	8.3	4.0	12.7	4.0	18.1	4.0	39.1	12.0	27.1	69.3
Maine	3.1	1.9	4.5	1.9	6.1	1.9	13.7	5.7	8.0	58.4
Maryland	7.5	3.5	11.8	3.6	17.0	3.6	36.3	10.7	25.6	70.5
Massachusetts	12.0	5.3	19.1	5.4	27.6	5.4	58.7	16.1	42.6	72.6
Michigan	18.0	7.7	28.7	7.8	41.6	7.8	88.3	23.3	65.0	73.6
Minnesota	8.4	3.9	13.1	3.9	18.7	3.9	40.2	11.7	28.5	70.9
Mississippi	6.2	3.4	9.2	3.4	12.8	3.4	28.2	10.2	18.0	63.8
Missouri	10.3	4.7	16.3	4.8	23.4	4.8	50.0	14.3	35.7	71.4
Montana	2.4	[2] 7	3.3	1.5	4.5	1.5	10.2	3.7	6.5	63.7
Nebraska	4.0	2.2	5.9	2.1	8.2	2.1	18.1	6.4	11.7	64.6
Nevada	1.2	.9	1.7	.9	2.2	1.0	5.1	2.8	2.3	45.1
New Hampshire	2.2	1.4	3.0	1.4	4.0	1.4	9.2	4.2	5.0	54.3
New Jersey	14.0	6.1	22.4	6.2	32.4	6.2	68.8	18.5	50.3	7.31
New Mexico	3.1	[2] 7	4.4	1.9	6.0	2.1	13.5	4.7	8.8	65.2
New York	37.6	15.5	60.7	15.8	88.4	15.8	186.7	47.1	139.6	74.8
North Carolina	11.1	.52	17.4	5.2	24.9	5.1	53.4	15.5	37.9	71.0
North Dakota	2.3	[2] 3	3.3	1.6	4.3	1.6	9.9	3.5	6.4	64.6
Ohio	22.1	9.4	35.5	9.6	51.5	9.6	109.1	28.6	80.5	73.8
Oklahoma	6.1	3.1	9.3	3.1	13.2	3.1	28.6	9.3	19.3	67.5
Oregon	4.7	2.4	7.1	2.4	10.1	2.4	21.9	7.2	14.7	67.1
Pennsylvania	25.7	10.8	41.3	11.0	60.0	11.0	127.0	32.8	94.2	74.2
Rhode Island	2.7	1.6	3.9	1.6	5.3	1.6	11.9	4.8	7.1	59.7
South Carolina	6.5	3.4	9.7	3.4	13.7	3.3	29.9	10.1	19.8	66.2
South Dakota	2.5	[2] 3	3.5	1.7	4.6	1.8	10.6	3.8	6.8	64.2
Tennessee	9.0	4.3	13.9	4.3	19.8	4.3	42.7	12.9	29.8	69.8
Texas	22.0	9.4	35.2	9.6	51.0	9.6	108.2	28.6	79.6	73.6
Utah	2.9	[2] 7	4.1	1.8	5.6	1.8	12.6	4.3	8.3	65.9
Vermont	1.8	1.4	2.4	1.3	3.0	1.3	7.2	4.0	3.2	44.4
Virginia	9.7	4.5	15.1	4.5	21.7	4.5	46.5	13.5	33.0	71.0
Washington	7.0	3.3	11.0	3.3	15.7	3.3	33.7	9.9	23.8	70.6
West Virginia	5.2	2.7	7.8	2.8	10.8	2.8	23.8	8.3	15.5	65.1
Wisconsin	9.5	4.4	15.0	4.4	21.5	4.4	46.0	13.2	32.8	71.3
Wyoming	1.5	[2] .005	2.1	1.2	2.6	1.2	6.2	2.4	3.8	61.3
Guam	1.6	[2] .8	1.6	1.5	1.7	1.4	4.9	3.7	1.2	24.5
Puerto Rico	6.6	3.5	9.8	3.5	13.7	3.5	30.1	10.5	19.6	65.1
Virgin Islands	1.5	1.5	1.5	1.4	1.6	1.4	4.6	4.3	.3	6.5

[1] 1970 appropriations still pending.

[2] Actual amounts used by these 8 States although they were entitled to use more. Unused amount totaling $8,300,000 from these 8 reallocated to other States.

Source: Federal Water Pollution Control Administration.

Mr. YARBOROUGH. Mr. President, the United States is probably the most affluent Nation in history. Our citizens enjoy a higher standard of living than any other country in the world. Our technology is increasing at a fantastic rate. We take for granted today things which our forefathers would have found unbelievable. Man has walked on the moon. And this is only the beginning.

However, while man has been marveling at his accomplishments, he has been blind to the quiet, insidious decay of his environment. Many of us live in environments dominated by polluted air, filthy water, ugliness, and noise, and are almost completely unaware of the subtle changes which have worsened our situation over the years. A person may not realize what has happened until a certain threshold is reached and his eyes water, his water stinks, his plants die, and the paint peels from his house.

Mr. President, we have reached this threshold. We must act decisively now if we are to stop this deadly degradation of our environment. We must begin now to analyze the full cause-and-effect linkage of all of our actions, not just the immediate results of a few. We can no longer afford to have our environment contaminated by persistent pesticides. We can no longer tolerate the pollution of our air and water by the refuse of our affluent society.

S. 7, of which I am a cosponsor, is a positive step toward the preservation of the quality of our environment. As reported by the Committee on Public Works, this bill would among other things: control the discharge of sewage from vessels into the navigable waters of the United States; provide for the control and cleanup of oil discharges into inland waters of the United States, of the territorial seas, and of the 9-mile zone contiguous to the territorial sea; provide for the identification, control and cleanup of hazardous substances other than oil; authorize a demonstration program on areawide control of acid and other mine water pollution resulting from active or abandoned mines; authorize a demonstration program to eliminate or control pollution within the watersheds of the Great Lakes; require Federal agencies to insure compliance with applicable water quality standards in the administration of their property, facility, or activity; provide for the training of personnel to operate and maintain existing and future water treatment works; and establish in the Executive Office of the President an Office of Environmental Quality and provide for the establishment of an advisory committee having a broad range of concern including population growth, environmental quality, and planning for the future.

Of particular significance to States such as Texas that border on the sea, are the provisions in title I of S. 7 which provide centralized authority to clean up oil spills. The recent disastrous oil spill off the coast of Califorina at Santa Barbara has taught us a tragic lesson in what can happen to people and property when large quantities of oil are discharged into our coastal waters. Oil spills, such as that one, pose an extremely grave threat to Texas because of the tremendous number of offshore oil operations and heavy ship traffic that is found along the gulf coast. For example, if a large quantity of oil was discharged into the waters of the Houston Ship Channel, not only would the waters and beaches around Houston and Galveston be polluted but also the intercoastal canals thus causing heavy damage to the large rice crop that is produced in this area. In light of the danger to the people of the coastal areas and their property, it is only right that the expense of cleaning up oil spills be changed to the owners and operators of vessels transporting oil and oil products and the offshore and onshore facilities that discharge this dangerous oil.

Mr. President, just this week I offered the Joint Resolution 156 to establish an interagency commission for planning this country's participation in the 1972 United Nations Conference on the Human Environment. In offering that legislation, I pointed out that pollution is a problem of worldwide dimensions and there is no doubt that this is true. Since, according to Dr. Edward D. Goldberg of Scripps Institute of Oceanography, La Jolla, Calif., the United States is "responsible for around one-half to one-third of many of the contaminates introduced into the atmosphere or ocean," this Nation is obligated to take the lead in dealing with the pollution of our environment.

The United States must undertake a crash program to deal with pollution within our boundaries and along our shores. This bill will constitute a great step forward in such a program.

By adoption of this bill we can set an example for the rest of the nations of the world to follow and demonstrate that we are willing to embark upon an all-out attack upon the problem of pollution before it is too late.

We cannot afford to underestimate the gravity of the problem, for as David M. Gates, director of the Missouri Botanical Gardens and an expert ecologist, in an article placed in the CONGRESSIONAL RECORD this week by Senator TYDINGS, warns us, our continuing assault on the natural environment "could produce an earth populated by 'half-starved, depressed billions gasping in air depleted of oxygen and laden with pollutants, thirsting for thickened, blighted water.' "

This is the reason why, Mr. President, I am proud to be a cosponsor of this bill and why I urge with all the candor at my command my colleagues to support this legislation.

Mr. MONDALE. Mr. President, water is a precious commodity.

The U.S. Senate has again, today, recognized the need to preserve and protect our existing supply of water by passage of S. 7, legislation which contains the Water Quality Improvement Act of 1969 and the Environmental Quality Improvement Act.

I am doubly pleased by today's action since S. 7 contains the Clean Lakes provision first introduced by myself and Senator Burdick in 1966. This provision will allow basic research into the cause, cure, and prevention of lake pollution. It will provide funds for the construction and operation of research facilities for these purposes. The outcome of such research should give us a greater understanding about the effects of treated sewage, fertilizers, pesticides, siltation and other substances which ultimately drain into our fresh water community lakes.

Now that we have taken this basic and long-needed first step, I will shortly introduce legislation to authorize the next step. The National Clean Lakes Act of 1969 would provide grants for operational programs to counter and eliminate pollution of fresh water community lakes.

Mr. President, our lakes are so much a part of our life in Minnesota and across this country. Yet there are thousands of lakes in this country which are decaying and in danger of becoming extinct because of pollution and siltation. My State of Minnesota is known as "The Land of 10,000 Lakes." We do not want to subtract from this slogan.

Like Minnesota's other natural resources, lakes are not impervious to man's vandalism and natural decay. Throughout Minnesota and the Nation, lakes are suffering from the pollution epidemic—they are smothering to death in organic waste and untreated posions.

Now, building on the vehicle provided by the Senate today— and the legislation I will introduce—I am convinced we can expand the life cycle of many of this Nation's tens of thousands of lakes.

Thoreau wrote:

> Nothing so fair, so pure . . . as a lake, perchance, lies on the surface of the earth . . . Nations come and go without defiling it . . . It is a mirror . . . whose gilding Nature continually repairs . . . which retains no breath that is breathed on it.

I am afraid that there is more poetry than truth in those beautiful words. Nations have defiled their lakes. The restorative powers of Nature do not work on the still waters of a lake to the same effect that they work on the flowing waters of a stream.

Our fast-flowing rivers are equipped with unbelievably recuperative powers. This built-in natural recovery process has enabled many of our rivers to take the worst that man has been able to throw at them in the way of pollution punishment. Rivers have a faculty of rolling with the pollution punch that the more placid lake waters lack. At one and the same time—if we are to save our lakes—we must develop ways of keeping pollutants out of lakes; remove, insofar as possible, those pollutants already in our lakes; and, finally, to neutralize the effects of those pollutants which cannot otherwise be eliminated.

When the natural aging process of a lake is speeded up, we find a condition called accelerated eutrophication. The scientist may define it as "the state of a body of water resulting from intentional or unintentional, natural or man-made modifications to the aquatic environment to the extent that the ecological system supports an imbalance in the biological production and creates a nuisance or interference with a water use."

The layman may not be concerned with definitions, but he knows that a polluted lake is ugly to look at, unfit to swim in, unpleasant to boat on, devoid of prize sport fish. His livelihood may suffer from

lost property values, deserted resorts, reduced value of the commercial fishery, and impeded navigation. The public water supply of his community may be impaired. The citizen has a large stake in clean lake waters.

We do not fully understand eutrophication. We do know that manmade wastes contain nitrates, phosphates, and other nutrients which stimulate biological production and promote the premature aging of a lake. The algal bloom is a sign of advancing eutrophication. Profusion of algae and other vegetation and siltation make the lake waters more shallow and hasten the process. When sunlight penetrates the shallow waters, vegetation climbs to their surface and chokes the lake. The vegetation decays, disagreeable odors result, and fish often die from the loss of oxygen. Industrial wastes, municipal wastes, individual waste disposal systems, agricultural runoff, and siltation from soil erosion all contribute to the influx of manmade pollution into the Nation's lakes.

The impairment of water quality of our lakes is a problem complex in its causes, widespread in scope, and difficult in solution. We do not have the final answers to these problems. We may never—but a nation which can reach the moon in a decade certainly should be able to—come up with practical solutions to some if not all of the problems of aging lakes.

But we are confident that through an expanded research, development, and demonstration effort, we will be able to do a far better job than we now are doing to control the eutrophication process in fresh water community lakes.

Mr. President, there are a number of reasons for proceeding now with full scale demonstration and operational programs even though we are just beginning research and development programs. These reasons include: a substantial knowledge base upon which to act; the need for action programs to interact with development programs; and the demand to immediately counterbalance periods of seemingly irreversible pollution where eutrophication is taking place.

Briefly, the National Clean Lakes Act of 1969 would provide funds for a variety of programs including dredging and cleansing already polluted lakes including disposal costs, removal of effluents and nutrients from sewage treatment plants, and soil conservation programs to retard the drainage of siltation, nutrients, and other pollutants.

The measure will seek authorizations over a 3-year period; $200 million for the first year, doubling to $400 million in the second, and increasing to $500 million for the third.

This funding will permit the Interior Department to finance feasibility studies, preliminary research, full-scale demonstrations, and operating facilities. It would also provide assistance to resort owners, farmers, and construction workers to permit various programs to halt siltation and the passing of nutrients into fresh water community lakes.

Moneys shall be on a matching provision with funds put up by State municipalities and by businesses and industries contributing to pollution and having a stake in the cleansing of the lakes. This funding should be at a rate of 90 percent for those projects which are purely of a demonstration nature, and 75-percent Federal funds for the more operational grants where the success of the facility is more certain.

The National Clean Lakes Act will be tied directly to total land management plans for individual States and areas. The States will be given a leading role in the establishment and enforcement of standards.

Mr. President, it is my hope that with the perfection of the tools and technology of restoring fresh water community lakes, our municipalities all across the Nation will be encouraged to begin the task of cleaning their lakes and to take immediate steps to prevent further pollution.

There is no lack of interest in such projects in the States. Rather, there is frustration at the enormous size of the job and the realization that, without Federal assistance, most such projects are impossible.

The Minnesota Department of Conservation estimates that dredging and cleaning a lake costs a minimum of 25 to 50 cents a yard. To deepen an acre of water by only 1 foot costs about $4,000. In Minnesota, there are 17 lakes that are over 10,000 acres in size. To deepen one of these lakes by 5 feet would cost about $4 million. It is obvious that such an expense cannot possibly to borne by a lake community, and even for a major metropolitan area, the cost is virtually prohibitive.

Thus, in the National Clean Lakes Act of 1969 which I will introduce, I am proposing that lakes be given treatment comparable to other bodies of water in the protection against pollution.

I urge my colleagues to join with me in support of this bill to rejuvenate and beautify our lakes.

Mr. MUSKIE. Mr. President, Senator MONDALE is to be congratulated for his excellent contribution to the work of Subcommittee on Air and Water Pollution. The Senator has provided significant leadership in providing legislative recommendations to deal with the difficult problem of lake eutrophication.

As the Senator has so eloquently pointed out, many of the Nation's lakes are dying at an accelerated rate. We must retard this process.

We will not be successful in this effort unless we can develop the necessary technical capacity to halt lake pollution. And we will not be successful unless we make a meaningful national commitment now.

The Senator from Minnesota has led this effort and on behalf of the members of the committee, I want to express our appreciation. I look forward to reviewing the additional proposals which the Senator intends to offer.

Mr. MURPHY. Mr. President, as a cosponsor of S. 7, I rise in support of the measure. Last year, as a member of the Subcommittee on Air and Water Pollution, I supported a similar measure that passed the Senate. Although no longer a member of that subcommittee, I have continued my great interest in the subject of pollution, both air and water. I regard the increasing pollution of our environment as one of the paramount problems facing our Nation and, indeed, the world community of nations.

S. 7, when its provisions are fully implemented, will constitute a giant step forward in the water pollution fight. It should be a particularly effective deterrent against the despoliation of our lakes, rivers, bays and, significantly too, in my State, California, our magnificent coastlines.

No piece of legislation can be a complete defense against the type of catastrophe that ravaged Santa Barbara beaches earlier this year, or that ravaged the beaches of Southern England as a result of the *Torrey Canyon* grounding several years ago. However, the provisions of S. 7, insure that immediate cleanup operations can be commenced and ultimate financial liability fixed.

In this regard the bill before the Senate contains the provisions I urged in testimony before the House Committee on Public Works on February 13, 1969. I said:

> Present water pollution control legislation dealing with the spillage of oil . . . is clearly inadequate. Financial responsibility must be placed on the owners and operators of both ships and shore facilities. Present law limits liability to dischargers who are 'grossly negligent or willful.' I supported legislation which passed the Senate establishing the responsibility of the party to either clean up or authorize the government to do it and later recover the costs from the party responsible.

Thus, S. 7 contains provisions declaring the discharge of oil to be unlawful; authorizes the establishment of regulations relative to discharge and removal of oil; establishes penalties for violation of these regulations; provides authority for the operator to immediately remove any oil discharge or spill or in the event he either refuses to clean up or does not adequately clean up the discharge, the Government may remove the oil to prevent damage and decrease the cost; establishes liability on vessel owners of $125 per gross ton of his vessel or $14 million whichever is lesser for such spills and requires evidence of the ability of vessel owners and operators to cover up to $100 per gross ton of liability in the event of discharge; and establishes a $50 million revolving fund for operation of the entire cleanup program.

In addition, I have long felt the need for contingency plans in the event of a disaster such as the Santa Barbara incident and as stated in my testimony before the House Committee on Public Works:

> The Santa Barbara incident has underscored once again the need to accelerate a research development and testing program to increase and improve our capabilities for preventing, controlling, and cleaning up of oil spills and other hazardous substances. I recommend an amendment to the research section of the Federal Water Pollution Control Act to authorize an additional $5 million for the acceleration of research on marine pollution problems, such as that posed by oil spillages. This was one of the recommendations of the Commission on Marine Science, Engineering, and Resources, the Commission

which earlier this year issued a report charting the future direction of the nation's ocean exploration efforts.

I urge that contingency plans be developed at the local, state and regional levels to provide for a quick response to oil spills and similar disasters. I understand that no such plans presently exist today. This is a serious deficiency in our pollution control arsenal and should be remedied immediately. In my judgment, such contingent plans should be an integral part of the state and federal water pollution control programs.

Under S. 7, the President has broad authority to issue regulations for preventing oil discharges and for developing and coordination between the various levels of Government oil removal contingency plans.

I long have been concerned about the increasing level of pollution in the San Francisco Bay-Delta area. Since the Navy is the chief polluter of the bay, I recently urged the Secretary of the Navy to stop this polluting. As a member of the Senate Armed Services Committee, I intend to do whatever I can to see that this pollution is stopped and to make certain that the Federal Government cleans up rather than pollutes. I ask unanimous consent that a copy of the telegram I sent to the Secretary of the Navy be printed at this point in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

When I was in San Francisco with Secretary of the Interior Hickel recently, it was reported that a principal part of the pollution in the San Francisco Bay was caused by Navy ships and installations. As one who believes that the Federal Government should set an example for the nation in our battle against pollution, both air and water, I request the Navy to stop this pollution of the Bay. As a member of the Senate Armed Services Committee and a former member of the Senate Public Works Subcommittee on Air and Water Pollution, I stand ready to urge the Armed Services Committee and the Congress to help the Department of the Navy in its efforts to stop this pollution.

Mr. MURPHY. In testimony prepared for the House Subcommittee on Conservation and Natural Resources, the Federal Water Pollution Control Administration, in its report, stated:

It is estimated that 250 million gallons of shipboard and sanitary sewage are discharged into the San Francisco Bay-Delta area each year from vessels using the twelve deep water ports, numerous port and docking facilities, and 250 small craft harbors. It has also been estimated that the 60 assigned military vessels operating in the Bay-Delta waters contribute approximately ninety per cent of the annual wastes discharged from all vessels. Other vessels operating in these waters include 96,000 small craft, 800 fishing vessels, and 5,000 commercial vessels entering through the Golden Gate each year.

When the provisions of S. 7 concerning shipboard discharge of sewage become effective, Federal standards will be established for marine sanitation devices and the means by which sewage may be discharged from vessels. These regulations are applicable to military as well as private vessels unless there are clear overriding defense considerations.

I urge the Secretary of the Navy not to wait until the provisions of this section are applicable but that he commence forthwith to develop and test appropriate marine sanitary devices for use in the San Francisco Bay.

Mr. President, since coming to the Congress I have supported every single piece of legislation that has advanced our Nation's battle against air and water pollution. Some years ago a great American, Teddy Roosevelt, saw what we were doing to our natural resources and led a movement to stop the senseless destruction. Today our environment and natural resources are again being threatened by pollution. I sincerely believe that one of the most serious if not the most serious problem facing our Nation is this question of pollution. I am happy that we are taking this most significant and positive approach toward its control. However, the citizens of our Nation must become aware and must make the commitment once again if we are to save America, the beautiful.

Mr. MUSKIE. Mr. President, I would like to express my personal appreciation and that of the members of the Committee on Public Works to the staff of the committee and the Members who have worked on this legislation. The continual cooperation of majority and minority committee staff and effective consultation with the staffs of members of the committee has expedited the Senate consideration of the comprehensive environmental quality legislation.

Specifically, Mr. President, I would like to acknowledge the efforts of Mr. Richard Royce, chief clerk and staff director of the committee; Mr. Bailey Guard, minority clerk; Mr. Barry Meyer and Mr. Tom Jorling for his majority and minority counsel; Mr. Leon Billings, Mr. Richard Grundy, and Miss Adrien Waller, professional staff members; Mr. Donald Nicoll and Mr. Eliot Cutler of my staff, and Mr. Hal Brayman of Senator BOGGS' staff.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. LONG), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah, Mr. MOSS), and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Washington (Mr. MAGNUSON), and the Senator from New Jersey (Mr. WILLIAMS) are absent on official business.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. Moss), the Senator Georgia (Mr. RUSSELL), and the Senator from New Jersey (Mr. WILLIAMS) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Ohio (Mr. SAXBE) is necessarily absent.

The Senator from Utah (Mr. BENNETT) and the Senator from New York (Mr. GOODELL) are detained on official business.

If present and voting, the Senator from Utah (Mr. BENNETT), the Senator from New York (Mr. GOODELL), and the Senator from Ohio (Mr. SAXBE) would each vote "yea."

The result was announced—yeas 86, nays 0, as follows:

[No. 117 Leg.]

YEAS—86

Aiken	Fong	Muskie
Allen	Fulbright	Nelson
Allott	Goldwater	Packwood
Anderson	Gore	Pastore
Baker	Griffin	Pearson
Bayh	Gurney	Pell
Bellmon	Hansen	Percy
Bible	Hart	Prouty
Boggs	Hatfield	Proxmire
Brooke	Holland	Randolph
Burdick	Hollings	Ribicoff
Byrd, Va.	Hruska	Schweiker
Byrd, W. Va.	Hughes	Scott
Cannon	Jackson	Smith, Maine
Case	Javits	Smith, Ill.
Church	Jordan, N.C.	Sparkman
Cook	Jordan, Idaho	Spong
Cooper	Kennedy	Stennis
Cotton	Mansfield	Stevens
Cranston	Mathias	Symington
Curtis	McCarthy	Talmadge
Dodd	McClellan	Thurmond
Dole	McGee	Tower
Dominick	McIntyre	Tydings
Eagleton	Metcalf	Williams, Del.
Eastland	Miller	Yarborough
Ellender	Mondale	Young, N. Dak.
Ervin	Mundt	Young, Ohio
Fannin	Murphy	

NAYS—0

NOT VOTING—14

Bennett	Inouye	Moss
Goodell	Long	Russell
Gravel	Magnuson	Saxbe
Harris	McGovern	Williams, N.J.
Hartke	Montoya	

So the bill (H.R. 4148) was passed.

The title was amended, so as to read: A bill to amend the Federal Water Pollution Control Act, to establish an Office of Environmental Quality, to provide for certain property acquisition, and for other purposes.

Mr. MUSKIE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. SCOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MUSKIE. Mr. President, I ask unanimous consent that S. 7 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the Senate amendment to H.R. 4148, and that the bill be printed as passed by the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUSKIE. I move that the Senate insist on its amendment and ask for a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair

be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MUSKIE, Mr. RANDOLPH, Mr. BAYH, Mr. MONTOYA, Mr. BOGGS, Mr. COOPER, and Mr. BAKER conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, there is no doubt that this singular success—the unanimous approval of the Water Pollution Control Act amendments—is attributable to the expertise and legislative skills of the floor manager of the bill, the distinguished chairman of the Air and Water Pollution Subcommittee of the Public Works Committee, the Senator from Maine (Mr. MUSKIE). His tireless efforts in committee and on the floor have gained for him the deepest gratitude of the Senate and the Nation. His efforts, may I say, will serve to provide a better environment for all of us. We are grateful. He has added a magnificent achievement to his already abundant record of public service.

We are grateful also to the Senator from West Virginia (Mr. RANDOLPH) and to the Senator from Delaware (Mr. BOGGS), the chairman and ranking minority member, respectively, of the Public Works Committee. They joined to assure the efficient and swift disposal of this measure. They added their always thoughtful, always perceptive views to the discussion.

Especially, our thanks must go also to the distinguished Senator from Washington (Mr. JACKSON). The cooperation he exhibited was characteristic. His support was outstanding, and we are grateful.

The Senate may be proud of another fine achievement.

Mr. MUSKIE. Mr. President, during the last 24 hours, both Washington newspapers, the Post and the Evening Star, have published editorials in support of full funding of the $1 billion authorization for Federal grants for the construction of municipal waste treatment facilities.

Regardless of the outcome of the vote on this question in the House today, I intend to press for full funding in the Senate, as we have in the past.

The chairman of the Subcommittee on Public Works of the Appropriations Committee, the distinguished Senator from Louisiana (Mr. ELLENDER) has committed his support to increased funding for the program, and I hope that the committee will find it possible to recommend full funding.

Although the administration has requested only $214 million for fiscal 1970, recent reports have indicated that the administration may be seeing the light of overwhelming public support for the program.

I hope they do change their mind, but in any case, I pledge my support for full funding, and I promise a vigorous effort in behalf of it.

I ask unanimous consent that the editorials to which I have referred be included in the RECORD at this point.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Post, Oct. 8, 1969]

$1 BILLION FOR CLEAN WATER

A major test of whether this country is sincere in trying to clean up its polluted rivers and lakes will come in the House of Representatives today. In principle, the Congress, the administration and the country are thoroughly committeed to the cause of clean water. It is one of the most popular crusades of the day. But lip service and even authorizing legislation do not remove filth from our streams. Sewage-treatment plants must be actually constructed, and Congress has to date provided only meager funds for this purpose.

New hopes were raised in 1966 when Congress approved a sharp rise in federal assistance to states and cities for the construction of clean-water facilities. The program was to expand from $150 million in fiscal 1967 to $1 billion in fiscal 1970. But out of the $2.3 billion authorized for the last four years, including this one, Congress has appropriated only $567 million for the three past years, and the current budget request is for only $214 million for fiscal 1970. In other words, the real cleanup program, as distinguished from the reassuring words and good intentions, has not yet gotten off the ground.

Fortunately, the great gap between promise and performance has not gone unnoticed on Capitol Hill or among the millions who are now demanding restoration of a healthful environment. A large number of organizations representing conservation groups, organized labor, professional societies, civic associations and city and county officials have united their efforts in a Citizens Crusade for Clean Water, and more than 220 members of the House have pledged themselves to vote a billion dollars for clean water when the big test comes.

One vital element in the situation is the plight in which many cities find themselves. Under the prodding of Congress, state legislatures have been raising standards of sewage treatment which the cities will have to meet. But if they are denied the federal aid that was contemplated when the higher standards were set they will have to choose between failure to comply and the diversion of funds from education, housing, law enforcement and so forth to meet the new demands for clean water. It is reported that more than 4,600 applications for aid to cities in the construction of sewage-treatment facilities are awaiting action, largely for want of funds.

The plain fact is that Congress has reneged on its clean-water pledge to the country. The technical know-how for restoration of the Nation's streams and lakes to a tolerable condition is readily at hand. Much of the needed legislation is already on the books, although Secretary Hickel is seeking authority to help pay for treatment facilities on an installment basis through contracts with cities and states, which would greatly ease the demand for current appropriations. The missing element is immediate funds to change the clean-water drive from a remote hope to a current reality.

We agree with the National League of Cities, the League of Women Voters and the many other groups and individual leaders who are calling for the immediate appropriation of a billion dollars for the 1970 cleanup effort. On the eve of the test vote there are indications that the administration will accept substantial expansion of the clean-water budget item it carried over from the Johnson budget. But compromise at this point is not enough. The judgment of Congress as expressed in the Clean Water Restoration Act that $1 billion would be needed this year for grants in this area was sound. It should be adhered to today. In a matter of such vital concern to the country, Congress simply cannot afford to put itself into the position of withdrawing from an obligation it has assumed and sought to impose on the states and cities.

[From the Evening Star, Oct. 7, 1969]

KEEPING PROMISES

Several months ago, we were critical of Congress for retreating from its commitment to the states and localities to provide $1 billion in matching grants for water pollution control. What bothered us at the time was not so much the enforced slowdown in this important program but rather the immorality involved in mousetrapping local governments into commitments they can ill afford, and then not coming across.

In this context, it is especially gratifying to note that over 220 congressmen have gone on record as favoring the full $1 billion appropriation for waste treatment plants. At present, the House money bill contains $600 million for this program—itself a considerable improvement over the $214 million originally earmarked. Interested lawmakers will offer an amendment on the House floor this week to up that to $1 billion. If they all vote the way they have talked, this amendment should sail through easily.

The next move would then be up to the Senate. To date there has not been a comparable show of support in the other chamber for a full-funding of the water pollution program. But this is perhaps because the quite remarkable ground-swell of concerned public opinion on this subject has so far been focused on the House.

It should be understood, of course, that this is definitely a time when budgetary restraint is indicated. Accordingly, a number of important government programs are in imminent danger of severe cutbacks. Even so, there are two good reasons for not stinting on water pollution control, quite apart from its merit as a program. First, local governments have already been induced to commit their own limited resources for this purpose. And second, there appears to be broad public support for the program. In this case at least, there is reason to give the public what it wants.

COMMISSIONER DOMINICK CONFIRMS FWPCA'S COMMITMENT TO ENHANCEMENT PRINCIPLE

Mr. COOPER. Mr. President, I would like at this time to bring to the Senate's attention an excellent and most appropriate addition to the disscussion of S. 7. It is a speech given on September 23 in Kansas City by Commissioner David D. Dominick before the Association of State and Interstate Water Pollution Control Administrators.

In this speech, which I would ask unanimous consent to include at the end of my statement, Commissioner Dominick spells out the goals of the Federal Water Pollution Control Administration and its activities. He affirms the necessity of strong Federal, State, and local partnerships and cooperation for the success of pollution control programs of all kinds.

One of the most significant statements of the speech is the confirmation of the administration's commitment to the principle of enhancement of water quality articulated as follows:

The keystone of the Water Quality Act of 1965 was enhancement of water quality, and this has become the keystone of State and Federal water quality standards. I do not believe that we can afford to go any other way. In most parts of the country, the day has long since passed that we could rely on the

"assimilative capacity" to protect us from water quality degradation and, eventually, curtailment of such water uses as swimming and propagation of high quality fisheries associated with clean waters. The traditional assimilative capacity concepts have ignored the more subtle water pollution control parameters that they become so important to the protection of legitimate water use.

I commend the entire text of Mr. DOMINICK's speech to my Senate colleagues.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS BY DAVID D. DOMINICK, COMMISSIONER, FEDERAL WATER POLLUTION CONTROL ADMINISTRATION, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE ASSOCIATION OF STATE AND INTERSTATE WATER POLLUTION CONTROL ADMINISTRATORS, KANSAS CITY, MO., SEPTEMBER 23, 1969

Good morning, Gentlemen. It is a privilege to be meeting here with you in Kansas City and to lead off on what promises to be an important annual meeting of the Association of State and Interstate Water Pollution Control Administrators.

You have asked me to comment on the Federal Water Pollution Control Administration goals and directions for the future. This is an excellent forum to give you such comments because I would hope that our goals would be essentially your goals. And I know that in many instances our problems are your problems as well. In a simple sense the goals of FWPCA are to come to grips with and find solutions for the issues which are presently impeding progress in the fight for pollution abatement and environmental quality.

There is an urgency to our mutual efforts which has never existed before. I am sure that I don't have to remind you of the public demand for cleaner water because it is you, as State administrators, who are on the front line in the action which is being demanded. But I did want to assure you that we in Washington are well aware of this urgency, this public demand and this unique awareness on the part of our American citizenry of environmental problems on a global scale. You and I are certainly tied to one of the highest visibility programs in the United States today.

To get down to specifics, I would like to discuss with you three areas of mutual concern in which we are actively developing and promulgating new policies. These would be the areas of enforcement, financing, and the question of a requirement for secondary treatment of municipal wastes.

In addition, there are a number of issues which we can explore in somewhat less depth but which we will identify as questions or problems facing FWPCA and problems for which we are seeking policy solutions.

So first let me turn to the question of enforcement. As you know, Secretary of the Interior Walter J. Hickel has just recently announced a new, tough enforcement policy. Acting on information available to FWPCA, the Secretary has set in motion the first stages of informal proceedings against a city, four steel companies, and a mining firm allegedly polluting interstate waters and being in noncompliance with water quality standards. If our upcoming meetings with these various entities does not lead to satisfactory action on their part, the next step which could be taken by the Secretary of the Interior would be formal court proceedings following a 180 day notice.

The Secretary has said, "the people of America have made it abundantly clear that they will no longer tolerate pollution of their environment." He said that, "the Administration believes this to be a reasonable demand, and we have a mandate to satisfy it quickly and thoroughly. We will do this through court action, if necessary, and through tough, new legislation which we will seek from the Congress."

And the Secretary made it quite clear that his actions in these areas were not a one shot burst for a short haul. Rather, he emphasized that, "this is just a beginning. We intend to continue the identification of polluters all over the Nation, followed by the enforcement of schedules for prompt cleanup and pollution elimination."

The water quality standards, in effect, set compliance schedules all over the Nation. We intend to see that these compliance schedules are met. To do otherwise would be to fail to make full use of the water quality standards tool that has been mandated to us by the Congress. The standards must be seen as a means to an end. We are taking steps immediately at FWPCA to insure that fair and consistent mechanisms are developed for the full implementation and enforcement of water quality standards.

Let me turn briefly to the question of financing. We are all keenly aware that the existing program which was established in 1966 has not served to keep current with identified needs. The need for treatment plant construction is most urgent and this need is clearly recognized in Washington. State approved applications for matching grant funds totaling $2.3 billion from States and local governments are now on file with the Federal Water Pollution Control Administration.

I acknowledge that the question of financing is the most difficult issue facing all of us right now. A resolution of this issue is directly tied to the issue of how and when we meet our water pollution control goals in the municipal sector. I cannot give you an answer to these pressing needs at this time but can only assure you that work is going forward at the highest levels of the Administration to seek some equitable resolution. The one thing which I can tell you at this time is that the new Clean Water Team in Washington is keenly aware of the need for long-term planning when we come to the question of construction of municipal waste treatment works. Piecemeal financing, and year-to-year uncertainties occasioned by the appropriation process envisioned by the previous legislation, clearly does not allow for the lead time and planning which is required at the State and local level. So one of four top priorities in seeking any resolution to the financing issue is to come up with a program which will give firm assurances as to the future availability of funds and upon which firm planning for construction needs can be based.

Let me turn to the last of the major issues which I will be able to cover with you this morning. I hope by now that all of you State and Interstate Water Pollution Control Administrators have received our proposals to revise the construction grants policies. We are considering revisions to the existing rules and regulations for construction grants which would upgrade the minimum treatment which any project applying for Federal funds would have to provide.

The present rules specify that the minimum treatment that a system must provide to be eligible for Federal grant assistance is primary treatment or its equivalent, unless water quality standards or other recommendations require a higher level. In view of our present water pollution control needs and policies, we believe that a more stringent minimum treatment requirement is now clearly appropriate. From reading the water quality standards established by the States, I also note that with very few exceptions the States themselves now recognize the appropriateness of secondary treatment as a minimum.

For these reasons, we are proposing that the minimum treatment level for federally-supported projects discharging to interstate or intrastate fresh waters should be complete removal of all floatable and settleable materials, disinfection, and at least 85 percent removal of five-day biochemical oxygen demand and suspended solids based on design flow. We have avoided using the term, "secondary treatment" in the proposal in order to provide a performance type of definition, without implying necessarily specific processes associated with secondary treatment. However, as "secondary treatment" is a good shorthand term, I will use it in my later discussion of this policy with the disclaimer that it is just this—only a shorthand term.

Because of the critical need to protect estuarine aquatic life and uses, we believe that the minimum treatment for projects discharging to estuaries should be set at the same level as for fresh water discharges. For discharges to the open ocean through ocean outfalls, a lesser degree of treatment might be justified. Thus, we are proposing a minimum level of complete removal of all floatable and settleable materials for discharges to open ocean waters at this time. The proposed revisions to the rules and regulations would define "open ocean waters."

There are some specific aspects of the revised construction grants policy which I would like to clarify briefly. For instance, this policy would be intended to apply not only to applicants for projects providing a complete treatment system, but also to applicants for a Federal grant for portions of a system, such as interceptor sewers, pumping stations, outfalls and other appurtenances. To qualify for a Federal grant, projects to construct interceptor sewers and other portions of a treatment system would have to comply with the adequate levels of treatment as determined under this new policy. As another point, discharge to the ocean will be evaluated on a case-by-case basis to determine the appropriate level of treatment to insure compliance with water quality objectives.

In addition, we examine all plans for construction very carefully to be assured that in the design and engineering stages adequate consideration has been given to projected population growth demands. The recent experience of the new Administration on the Potomac River indicates that insufficient thought has been devoted in the past to population increase factors. The design of new treatment plants must be flexible enough to provide for increased capacity as well as providing for the possibility of process changes leading to higher levels of waste treatment.

Finally, we will not give any Federal funds to communities that bypass their sewage treatment plants and drop raw sewage into the streams. The Federal government will not be a party to any such practice leading to gross pollution of our water-ways. Our streams will be kept clean.

We are seeking your comments on these revisions prior to publication of revised rules in the *Federal Register*. I hope to obtain your support for these proposed regulations, and to proceed to publication within the near future. The revisions will be open to further comment, of course, in a more formal fashion after they are published in the *Federal Register*, but I did want to solicit your views at the earliest possible stage in the development of this new policy.

I would like to discuss our reasoning for seeking such a change in policy at this time. The present rules and regulations, of course, provide that a proposed construction grant project seeking Federal funds meet the water quality standards. And, as I noted earlier, these accepted standards, with a few limited exceptions, provide for a minimum of secondary treatment.

I think we are all looking forward to the day when the minimum treatment that will

be provided anywhere in the country will be the equivalent to secondary treatment.

We all know that some areas of the country are at this very moment preparing to meet or have already met much higher treatment requirements.

For many years, primary treatment was recognized as a basic treatment requirement for municipal wastes. However, even before the establishment of water quality standards, secondary treatment has increasingly become the new basic requirement for municipal and industrial wastes. In the face of population and industrial growth, treatment requirements have had to be steadily upgraded; waste loads have grown as prodigiously as populations and industries. History has shown that slow but steady deterioration of many waters has been the inevitable accompaniment of "progress" because treatment goals in the past were set too low. After many years of inadequate waste treatment, serious water quality degradation is a fact in most developed parts of the country.

If we are to make water pollution control programs and the water quality standards approach effective, a substantial reduction of pollution from all municipal and industrial waste sources will be necessary. Secondary treatment, and in selected areas treatment levels beyond that, should be considered a necessary goal to allow us to get ahead of the pollution problems—to prevent pollution rather than wait to abate it after damage has occurred.

The keystone of the Water Quality Act of 1965 was enhancement of water quality, and this has become the keystone of the State and Federal water quality standards. I do not believe that we can afford to go any other way. In most parts of the country, the day has long since passed that we could rely on "assimilative capacity" to protect us from water quality degradation and, eventually, curtailment of such water uses as swimming and propagation of high quality fisheries associated with clean waters. The traditional assimilative capacity concepts have ignored the more subtle water pollution control parameters that have become so important to the protection of legitimate water uses.

For the present, secondary treatment is an economically feasible technique and a reasonable means of assuring that assimilation of wastes will no longer be the sole or primary use of any of our waters. In some areas, where installation of high levels of treatment may occasion economic hardships, I think we are prepared to be realistic and flexible about the timing—and I emphasize the word *timing*—for necessary waste treatment improvements. However, I do not believe that we can afford to be shortsighted about our ultimate goals and that these goals must be high enough to meet the needs of the future.

The secondary treatment issue is but one of a number of areas in which the Federal Water Pollution Control Administration will be setting forth clear policy positions. We hope to continue to develop policy guidelines for a number of our programs, including such things as the disposal of wastes into the open ocean, the thermal pollution question, the operation and maintenance of sewage treatment plants, and the establishment of additional water quality standards criteria for radiological discharges and for pesticides. We are now in the midst of intensive inhouse efforts to develop programs or policy statements in many of these areas. We in the Department of the Interior solicit your input and guidance as additional policies are developed. To this end, as you now are all aware, Assistant Secretary Carl Klein and myself have initiated a number of meetings with State Administrators throughout the country. We intend to continue these meetings until we have had an opportunity to sit down and discuss major program and policy questions with all of you. In addition, please feel free to pick up the phone or to write to Assistant Secretary Klein and myself on any matter which is of concern to you or your State or interstate agency.

We, at the Federal level, may not always find ourselves in agreement with you at the State, interstate or local levels. But both Mr. Klein and myself are of the very firm opinion that disagreement should not be a bar to communication. One thing is abundantly clear when we discuss environmental programs—all levels of government are in the fight together. And if we are to make progress, progress which is now urgently needed and urgently demanded, it is clear that we must eventually agree that we have a single mutual goal. We must agree together that our job is to stop pollution today, and to bend every effort to guaranteeing clean water for America tomorrow.

CASUALTIES IN THE WAR IN VIETNAM

Mr. FULBRIGHT. Mr. President, I desire to place in the record some figures concerning casualties in the war in Vietnam and to comment on them. The figures have just been calculated, based upon information received from the Department of Defense.

They show the average monthly total of dead, wounded, and missing during the administrations of President Kennedy, President Johnson, and President Nixon—granted, of course, that the level of fighting during the administration of President Kennedy was relatively low.

The average monthly total of dead during the Kennedy administration was 4.97; in the Johnson administration, 592.4; and in the Nixon administration, it has been 992.57. That is not quite double the average monthly total of dead in the Johnson administration.

The monthly average totals of the number of wounded are similar. In the Kennedy administration, it was 13.66 per month; in the Johnson administration, 3,201.5; and in the Nixon administration, thus far, it is 6,131.59. Again, that is almost twice—almost 100 percent—the total number of wounded in the Johnson administration, monthly.

For the missing, the proportion is not the same. In the Kennedy administration, only one person was listed missing. In the Johnson administration, the number was 29.4. Under President Nixon, the number thus far is 9.

These figures graphically show, it seems to me, that the level of fighting, instead of having declined during the last 9 months, has substantially increased, both with respect to the wounded and the dead. It is true that in the last 2 or 3 weeks there has been a decline, but these figures are the averages since the beginning of the war.

Mr. President, I ask unanimous consent to have printed in the RECORD the entire tabulation of figures which have been collected. They are based upon official information received from the Pentagon and deal also with other aspects of the same problem.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

Number of men missing from Vietnam

1961–62	21
1963	20
1964	28
1965	151
1966	309
1967	911
1968	367
1969 (to Sept. 20)	88
Total	1,895

Cost of the Vietnam war

[In millions of dollars]

Fiscal year:	
1965	103
1966	5,812
1967	20,133
1968	26,547
1969	28,812
1970	24,862
Total (which equals $106,369,000,000 spent)	106,369

Aircraft casualities in South Vietnam since Jan. 1, 1969

Fixed wing:	
Hostile	387
Non-hostile	1,536
Total	1,923
Helicopter:	
Hostile	1,311
Non-hostile	1,712
Total	3,023
Total aircraft lost in Vietnam in the South	4,946

In North Vietnam since Aug. 4, 1964

Fixed wing (hostile)	921
Helicopter (hostile)	10
Total aircraft lost in North Vietnam	931
Total aircraft casualties	5,877

NUMBER OF MEN KILLED IN VIETNAM FROM 1961 THROUGH SEPT. 20, 1969

	Hostile action	Nonhostile	Total
1961 to 1962	42	23	65
1963	78	36	114
1964	147	48	195
1965	1,369	359	1,728
1966	5,008	1,045	6,053
1967	9,378	1,680	11,058
1968	14,592	1,919	16,511
1969 (to Sept. 20)	8,114	1,514	9,628
Totals	38,728	6,624	45,352

NUMBER OF MEN WOUNDED IN VIETNAM FROM 1961 THROUGH SEPT. 20, 1969

	Need hospital	No hospital	Total
1961 to 1962	43	38	81
1963	218	193	411
1964	522	517	1,039
1965	3,308	2,806	6,114
1966	16,526	13,567	30,093
1967	32,371	29,654	62,025
1968	46,799	46,021	92,820
1969 (to Sept. 20)	27,967	31,509	59,476
Totals	127,574	124,305	252,059

NUMBER OF TROOPS IN COUNTRIES WITH WHICH WE HAVE PREVIOUSLY BEEN AT WAR (AS OF THE PRESENT)

Germany	220,000
Japan	40,000
Korea	56,000

91ST CONGRESS
1ST SESSION

H. R. 4148

IN THE SENATE OF THE UNITED STATES

OCTOBER 8 (legislative day, OCTOBER 7), 1969

Ordered to be printed with the amendments of the Senate

[Strike out all after the enacting clause and insert the part printed in italic]

AN ACT

To amend the Federal Water Pollution Control Act, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, ~~That this Act may be cited as the "Water Quality Improvement Act of 1969."~~

~~SEC. 2. Existing sections 17 and 18 of the Federal Water Pollution Control Act, as amended, are hereby repealed. Section 19 of the Federal Water Pollution Control Act, as amended, is redesignated as section 25. After section 16 of the Federal Water Pollution Control Act, as amended, there is hereby inserted the following new sections:~~

"CONTROL OF POLLUTION BY OIL AND OTHER MATTER

"SEC. 17. (a) For the purpose of this section, the term—

"(1) 'oil' means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, and oil refuse, but does not include oil mixed with dredged spoil;

"(2) 'matter' means any substance of any description or origin, other than oil, dredged spoil, and human body wastes and the wastes from toilets and other receptacles intended to receive or retain human body waters, which, when discharged into the navigable waters of the United States or the waters of the contiguous zone in substantial quantities, presents, in the judgment of the Secretary, an imminent and substantial hazard to public health or welfare, including fish, shellfish, and wildlife, and shorelines and beaches, but such term does not include byproduct material, source material, and special nuclear material as defined in the Atomic Energy Act of 1954 (42 U.S.C. 2013).

"(3) 'discharge' means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping;

"(4) 'remove or removal' refers to the taking of reasonable and appropriate measures to mitigate the potential damage of the discharge of oil or matter to the

public health or welfare, including, but not limited to, fish, shellfish, wildlife, shorelines, and beaches.

"(5) 'vessel' means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water;

"(6) 'public vessel' means a vessel owned or bareboat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation or political subdivision thereof, except where such vessel is engaged in commercial activities;

"(7) 'United States' means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

"(8) 'owner or operator' means any person owning, operating, or chartering by demise, a vessel;

"(9) 'person' includes an individual, firm, corporation, association, or a partnership, except individuals on board public vessels; and

"(10) 'contiguous zone' means the entire zone established or to be established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone.

"(b) Any individual in charge of a vessel (other than a public vessel) or of an onshore or offshore facility of any

kind (other than one owned or operated by the United States, a State, or any political subdivision of a State) at the time of any discharge of oil or matter from such vessel or facility in substantial quantities into or upon the navigable waters of the United States or adjoining shorelines or beaches, or into or upon the waters of the contiguous zone, shall, as soon as he has knowledge of such discharge, immediately notify either the Secretary, or the Secretary of the department in which the Coast Guard is operating of such discharge. Any such individual who fails to notify immediately such delegate of any such discharge of oil or matter into or upon such waters, shorelines, or beaches, shall upon conviction, be fined not more than $5,000, or imprisoned for not more than one year, or both.

"(c)(1) Except in case of an emergency imperiling life, or an act of war or sabotage, or an unavoidable accident, collision, or stranding, or an act of God, or except as otherwise permitted by regulations issued by the Secretary under this section, or except where otherwise not prohibited in the contiguous zone under the provisions of article IV of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended, any owner or operator who, either directly or through any person concerned in the operation, navigation, or management of the vessel, discharges or permits the discharge of oil or matter

from a vessel in substantial quantities into or upon the navigable waters of the United States or adjoining shorelines and beaches of the United States, or into or upon the waters of the contiguous zone if such oil or matter threatens to pollute or contribute to the pollution of the territory or the territorial sea of the United States, shall be subject to the penalties provided in this subsection.

"(2) Any owner or operator who, or any vessel (other than a public vessel) which, willfully or negligently, discharges oil or matter in substantial quantities in violation of paragraph (1) of this subsection shall be assessed a civil penalty by the Secretary of the department in which the Coast Guard is operating of not more than $10,000 for each offense. No penalty shall be assessed unless the owner, operator, or vessel charged shall have been given notice and opportunity for a hearing on such charge. Each violation is a separate offense. Any such civil penalty may be compromised by such Secretary. In determining the amount of the penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the owner or operator of the vessel charged, the effect on the owner or operator's ability to continue in business, and the gravity of the violation, shall be considered by such Secretary. The district director of customs at the port or place of departure from the United States shall withhold at the re-

quest of such Secretary the clearance required by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C. 91), of any vessel subject to the foregoing penalty. Clearance may be granted in such cases upon the filing of a bond or other surety satisfactory to such Secretary. Such penalty shall constitute a maritime lien on such vessel which may be recovered by action in rem in the district court of the United States for any district within which such vessel may be found.

"(d) (1) Whenever any oil or matter is discharged into or upon any waters, shorelines, or beaches, the United States shall remove or arrange for the removal thereof, in accordance with the regulations prescribed under subsection (g) of this section, when, in the judgment of the Secretary, such oil or matter presents an actual or threatened pollution hazard to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife, or to public or private shorelines and beaches in the United States, unless other adequate arrangements for removal of such oil or matter have been made as required by subsections (e) (1), (f) (1), or (f) (2) of this section.

"(2) Whenever a marine disaster in or upon the navigable waters of the United States has created a substantial threat of a pollution hazard to the public health or welfare of the United States, including, but not limited to, fish

shellfish, and wildlife and the public and private shorelines and beaches of the United States, because of a discharge, or an imminent discharge, of large quantities of oil or matter from a vessel the United States may (A) coordinate and direct all public and private efforts directed at the removal or elimination of such threat; and (B) summarily remove, and, if necessary, destroy such vessel by whatever means are available without regard to any provision of law governing the employment of personnel or the expenditure of appropriated funds. The expense of removing any such vessel, the negligent operation of which caused or contributed to the marine disaster, shall be a charge against such vessel and its cargo and the owner or operator of such vessel. If the owner or operator thereof fails to reimburse the United States for such expense within thirty days after notification thereof, the United States may sell the vessel or cargo or any part that may not have been destroyed in removal, and the proceeds of such sale shall be deposited in the fund established in subsection (h) of this section.

"(c)(1) The owner or operator of any vessel who, either directly or through any person concerned in the operation, navigation, or management of the vessel, willfully or negligently discharges or permits or causes or contributes to the discharge of oil or matter into or upon the navigable waters of the United States or adjoining shorelines or beaches,

or into or upon the waters of the contiguous zone if the Secretary of the department in which the Coast Guard is operating finds that such oil or matter threatens to pollute or contribute to the pollution of the territory or the territorial sea of the United States, shall immediately remove such oil or matter from such waters, shorelines, and beaches in accordance with regulations prescribed under subsection (g) of this section. If the United States removes oil or matter which was willfully or negligently discharged by such owner or operator, the vessel and such owner or operator shall be liable to the United States for the full amount of the costs reasonably incurred under this subsection for the removal of the oil or matter, except that, notwithstanding any other provision of law, with respect to each offending vessel and the owner or operator thereof the aggregate liability for the cost of removal shall not exceed $10,000,000 or $100 per gross registered ton of such offending vessel, whichever is the lesser amount, in the case of such a willful or negligent discharge. The district director of customs at the port or place of departure from the United States shall withhold at the request of the Secretary the clearance required by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C. 91), of a vessel, other than a public vessel, liable for such costs until such costs are paid or until a bond or other surety satisfactory to the Secretary is posted.

Such costs shall constitute a maritime lien on such vessel which may be recovered in an action in rem in the district court of the United States for any district within which such vessel may be found. The United States may bring action against the owner or operator in any court of competent jurisdiction to recover such costs. The United States shall also have a cause of action under this paragraph against any owner or operator of a vessel whose willful act or negligence is found to have caused or contributed to the discharge of oil or matter from a vessel involved in a collision or other casualty.

"(2) In any action instituted by the United States under this subsection, subsection (c), or subsection (f) of this section, evidence of a discharge of oil or matter shall constitute a prima facie case of liability to the United States on the part of the owner or operator of the vessel or the person owning or operating the facility, as the case may be, and the burden of rebutting such prima facie case shall be upon such owner or operator or person, as the case may be. The burden of rebutting the prima facie case of liability which the United States shall have against a vessel or the owner or operator thereof, or against a person who owns or operates an onshore or offshore facility, from which the oil or matter is discharged shall in no way affect any rights which

such owner or operator or person may have against any other vessel or facility or owner or operator or other persons whose willful act or negligence may in any way have cause or contributed to such discharge.

"(f) (1) Any person who owns or operates an onshore facility of any kind (other than a facility owned or operated by the United States, a State, or a political subdivision of a State) who, either directly or through any other person concerned in the operation or management of such facility, willfully or negligently discharges or permits the discharge of oil or matter into or upon the navigable waters of the United States or adjoining shorelines or beaches, or into or upon the waters of the contiguous zone, or into or upon the waters beyond such zone, shall immediately remove such oil or matter from such waters, shorelines, and beaches in accordance with regulations prescribed under subsection (g) of this section.

"(2) Any person who owns or operates any offshore facility of any kind (other than a facility owned or operated by the United States, a State, or a political subdivision of a State) which facility is located offshore but within the seaward boundary (within the meaning of the Submerged Lands Act (43 U.S.C. 1301 et seq.)) of a State, who either directly or through any other person concerned in the operation or management of such facility, willfully or

negligently discharges or permits the discharge of oil or matter into or upon the navigable waters of the United States or adjoining shorelines or beaches, or into or upon the waters of the contiguous zone, or into or upon the waters beyond such zone, shall immediately remove such oil or matter from such waters, shorelines, and beaches in accordance with regulations prescribed under subsection (g) of this section.

"(3) If the United States removes any oil or matter required by paragraphs (1) and (2) of this subsection to be removed by any other person, such person shall be liable to the United States for the full amount of the costs reasonably incurred for the removal of such oil or matter except (A) that the aggregate liability for the costs of a removal shall not exceed $8,000,000, and (B) that the Secretary shall, by regulation, after consultation with the Secretary of Commerce and the Small Business Administration, establish reasonable and equitable classifications of onshore facilities and activities and apply with respect to such classifications differing limits of liability which may be less than the amount contained in this paragraph. This paragraph shall not apply to any onshore facility until it shall come within a classification established by the Secretary under the preceding sentence, but no such classification shall be established without at least sixty days notification to Congress of such intended

classification. The United States may bring action against any such person in any court of competent jurisdiction to recover such costs.

"(4) Nothing in this subsection shall be construed as preempting any State or political subdivision thereof from imposing any requirement or liability with respect to the discharge of oil or matter into any waters within such State.

"(g) (1) Within sixty days after the effective date of this section and from time to time thereafter—

"(A) the Secretary shall issue regulations, in consultation with the Secretary of the department in which the Coast Guard is operating and consistent with maritime safety and with marine and navigation laws, establishing environmental quality criteria relating to the methods and procedures for removal of discharged oil and matter;

"(B) the Secretary of the department in which the Coast Guard is operating shall issue regulations, in consultation with the Secretary, establishing procedures, methods, and equipment (i) to prevent discharges of oil from vessels, and (ii) consistent with regulations of the Secretary, to remove discharged oil or matter.

"(2) Any owner or operator required under subsection (c), and any person required under subsection (f), to remove any oil or matter from any waters, shorelines, or

beaches in accordance with regulations prescribed under this subsection who violates any such regulation shall be liable to a civil penalty of not more than $5,000 for each such violation. Each violation shall be a separate offense. The Secretary of the department in which the Coast Guard is operating may assess and compromise such penalty. No penalty shall be assessed until the owner, operator, or person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the owner, operator, or person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by such Secretary.

"(h)(1) There is hereby authorized to be appropriated to a revolving fund to be established in the Treasury not to exceed $20,000,000 to carry out the provisions of subsection (d) of this section. Any other funds received by the United States under this section shall also be deposited in said fund for such purposes, except that such funds shall be available to reimburse a State or political subdivision thereof that assists in the removal of any discharged oil or matter. All sums appropriated to, or deposited in, said fund shall remain available until expended.

"(2) For the purpose of insuring the efficient and economic removal of oil or matter under subsection (d) of this section, the President shall, within ninety days after the effective date of this subsection, delegate to the Secretary of the department in which the Coast Guard is operating, to the Secretary, to the Secretary of Defense, and to other appropriate Federal agencies, all or part of the responsibility under subsection (d) of this section for removing discharged oil or other matter, in accordance with a national contingency plan or revision thereof, approved by the President. The Secretary of the department in which the Coast Guard is operating is authorized to make available to such Federal agencies from the fund established by paragraph (1) of this subsection such sums as may be necessary to effectuate such removal. Each such agency, in order to avoid duplication of effort, shall, whenever practicable, utilize the personel, services, and facilities of other Federal and State agencies.

"(3) The Secretary, in consultation with the Secretary of the department in which the Coast Guard is operating and consistent with maritime safety and with marine and navigation laws and regulations, may issue regulations authorizing the discharge of oil or matter from a vessel in quantities, under conditions, and at times and locations deemed appropriate by him, after taking into consideration

various factors such as the effect of such discharge on applicable water quality standards, recreation, and fish and wildlife.

"(4) The provisions of subsection (c) of this section and the regulations issued under subsection (g) of this section shall be enforced by the Secretary of the department in which the Coast Guard is operating. The Secretary of the department in which the Coast Guard is operating may utilize by agreement, with or without reimbursement, the personnel, services, and facilities of any other Federal agency or State agency in carrying out these provisions and regulations.

"(5) Anyone authorized by the Secretary of the department in which the Coast Guard is operating to enforce the provisions of this section may, except as to public vessels, (A) board and inspect any vessel upon the navigable waters of the United States or the waters of the contiguous zone, (B) with or without a warrant arrest any person who violates the provisions of this section or any regulation issued thereunder in his presence or view, and (C) execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(6) In the case of Guam, actions arising under this section may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought

in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions.

"(i) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel or onshore facility or offshore facility under any provision of law for damages to any publicly or privately owned property from a discharge of oil or matter or from the removal of any oil or matter.

"(j) Nothing in this section shall be construed as authorizing the Secretary or the Secretary of the department in which the Coast Guard is operating to regulate the operations or construction of any onshore or offshore facility, or as affecting or modifying any other existing authority of either Secretary relative to such facilities under this Act or any other provision of law.

"(k) (1) Any vessel over one hundred gross registered tons, including any barge of equivalent size, using any port or place in the United States or the navigable waters of the United States for any purpose shall establish and maintain under regulations to be prescribed from time to time by the appropriate delegate of the President, evidence of financial responsibility to meet the maximum potential

liability to the United States which such vessel could be subjected under this section for willful or negligent discharges of oil or matter. In cases where an owner or operator owns, operates, or charters more than one such vessel, financial responsibility need only be established to meet the maximum liability to which the largest of such vessels could be subjected. Financial responsibility may be established by any one of, or a combination of, the following methods acceptable to the delegate of the President: (A) policies of insurance, (B) surety bonds, (C) qualification as a self-insurer, or (D) other evidence of financial responsibility. Any bond filed shall be issued by a bonding company authorized to do business in the United States.

"(2) The provisions of paragraph (1) of this subsection shall be effective one year after the effective date of this section. The President shall delegate the responsibility to carry out the provisions of this subsection to the appropriate agency head within sixty days after the effective date of this section. Regulations necessary to implement this subsection shall be issued within six months after the effective date of this section.

"(3) The Secretary of Transportation, in consultation with the Secretaries of Interior, State, Commerce, and other interested Federal agencies, representatives of the merchant

marine, oil companies, insurance companies, and other interested individuals and organizations, and taking into account the results of the application of paragraph (1) of this subsection, shall conduct a study of the need for and, to the extent determined necessary—

"(A) other measures to provide financial responsibility and limitations of liability with respect to vessels using the navigable waters of the United States;

"(B) measures to provide financial responsibility for all onshore and offshore facilities; and

"(C) other measures for limitations of liability of such facilities;

for the cost of removing discharged oil or matter and paying all damages resulting from the discharge of such oil or matter. The Secretary of Transportation shall submit a report, together with any legislative recommendations, to Congress and the President by January 1, 1971.

"CONTROL OF SEWAGE FROM VESSELS

"SEC. 18. (a) For the purpose of this section, the term—

"(1) 'new vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which is initiated after promulgation of standards and regulations under this section;

"(2) 'existing vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which is initiated before promulgation of standards and regulations under this section;

"(3) 'public vessel' means a vessel owned or bareboat chartered and operated by the United States, by a State or political subdivision thereof, or by a foreign nation or by a political subdivision thereof, except where such vessel is engaged in commercial activities;

"(4) 'United States' includes the States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands;

"(5) 'marine sanitation device' means any equipment for installation on board a vessel which is designed to receive, retain, treat, or discharge sewage;

"(6) 'sewage' means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

"(7) 'manufacturer' means any person engaged in the manufacturing, assembling, or importation of marine

sanitation devices or of vessels subject to standards and regulations promulgated under this section;

"(8) 'person' means an individual, partnership, firm, corporation, or association, but does not include an individual on board a public vessel;

"(9) 'discharge' means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

"(b) As soon as possible after the enactment of this section, the Secretary, after consultation with the Secretary of the department in which the Coast Guard is operating, and after giving appropriate consideration to the economic costs involved, and within the limits of available technology, shall promulgate Federal standards of performance for marine sanitation devices (hereinafter in this section referred to as 'standards') which shall be designed to prevent the discharge of untreated or inadequately treated sewage into or upon the navigable waters of the United States from new vessels and existing vessels, except vessels not equipped with installed toilet facilities. Such standards shall be consistent with maritime safety and the marine and navigation laws and regulations and shall be coordinated with the regulations issued under this subsection by the Secretary of the department in which the Coast Guard is operating. The Secretary of the department in which the Coast Guard is operating shall promulgate regulations,

which are consistent with standards promulgated under this subsection and with maritime safety and the marine and navigation laws and regulations, governing the design, construction, installation, and operation of any marine sanitation device on board such vessels.

"(c)(1) Initial standards and regulations under this section shall become effective for new vessels two years after promulgation; but not earlier than December 31, 1971, and for existing vessels five years after promulgation. Revisions of standards and regulations shall be effective upon promulgation, unless another effective date is specified, except that no revision shall take effect before the effective date of the standard or regulation being revised.

"(2) The Secretary and the Secretary of the department in which the Coast Guard is operating with regard to their respective regulatory authority established by this section may distinguish among classes, types, and sizes of vessels as well as between new and exiting vessels, and may waive applicability of standards and regulations as necessary or appropriate for such classes, types, and sizes of vessels, and, upon application, for individual vessels.

"(d) The provisions of this section and the standards and regulations promulgated thereunder apply to vessels owned and operated by the United States unless the Sec-

retary of Defense finds that compliance would not be in the interest of national security. With respect to vessels owned and operated by the Department of Defense, regulations under subsection (b) and certifications under subsection (g)(2) of this section shall be promulgated and issued by the Secretary of Defense and not by the Secretary of the department in which the Coast Guard is operating.

"(e) Before the standards and regulations under this section are promulgated, the Secretary and the Secretary of the department in which the Coast Guard is operating shall consult with the Secretary of State; the Secretary of Health, Education, and Welfare; the Secretary of Defense; the Secretary of the Treasury; the Secretary of Commerce; other interested Federal agencies; and the States and industries interested; and otherwise comply with the requirements of section 553 of title 5 of the United States Code.

"(f) After the effective date of the initial standards and regulations promulgated under this section, no State or political subdivision thereof shall adopt or enforce any statute or regulation of such State or political subdivision with respect to the design, manufacture, or installation of any marine sanitation device on any vessel subject to the provisions of this section, except that nothing in this section shall be construed to affect or modify the authority or jurisdiction of any State to prohibit discharges of sewage whether

treated or not from a vessel within all or part of the intrastate waters of such State if discharges from all other sources are likewise prohibited.

"(g)(1) No manufacturer of a marine sanitation device shall sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States for sale or resale any marine sanitation device manufactured after the effective date of the standards and regulations promulgated under this section unless such device is in all material respects substantially the same as a test device certified under this subsection.

"(2) Upon application of the manufacturer, the Secretary of the department in which the Coast Guard is operating shall so certify a marine sanitation device if he determines, in accordance with the provisions of this paragraph, that it meets the appropriate standards and regulations promulgated under this section. The Secretary of the department in which the Coast Guard is operating shall test or require such testing of the device in accordance with procedures set forth by the Secretary as to standards of performance and for such other purposes as may be appropriate. If such results are in accordance with the appropriate performance standards promulgated under this section, and if the Secretary of the department in which the Coast Guard is operating determines that the device is satisfactory from the

standpoint of safety and any other requirements of maritime law or regulation, and after consideration of the design, installation, operation, material, or other appropriate factors, he shall certify the device. Any device manufactured by such manufacturer which is in all material respects substantially the same as the certified test device shall be deemed to be in conformity with the appropriate standards and regulations established under this section.

"(3) Every manufacturer shall establish and maintain such records, make such reports, and provide such information as the Secretary or the Secretary of the department in which the Coast Guard is operating may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this section and regulations issued thereunder and shall, upon request of an officer or employee duly designated by the Secretary or the Secretary of the department in which the Coast Guard is operating, permit such officer or employee at reasonable times to have access to and copy such records. All information reported to, or otherwise obtained by, the Secretary or the Secretary of the department in which the Coast Guard is operating or their representatives pursuant to this subsection which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that

section, except that such information may be disclosed to other officers or employees concerned with carrying out this section. This paragraph shall not apply in the case of the construction of a vessel by an individual for his own use.

"(h) After the effective date of standards and regulations promulgated under this section, it shall be unlawful—

"(1) for the manufacturer of any vessel subject to such standards and regulations to manufacture for sale, to sell or offer for sale, or to distribute for sale or resale any such vessel unless it is equipped with a marine sanitation device which is in all material respects substantially the same as the appropriate test device certified pursuant to this section;

"(2) for any person, prior to the sale or delivery of a vessel subject to such standards and regulations to the ultimate purchaser, wrongfully to remove or render inoperative any certified marine sanitation device or element of design of such device installed in such vessel;

"(3) for any person to fail or refuse to permit access to or copying of records or to fail to make reports or provide information required under this section; and

"(4) for a vessel subject to such standards and regulations to operate on the navigable waters of the United States, if such vessel is not equipped with an

operable marine sanitation device certified pursuant to this section.

"(i) The district courts of the United States shall have jurisdictions to restrain violations of subsections (h)(1) through (3) of this section. Actions to restrain such violations shall be brought by, and in, the name of the United States. In case of contumacy or refusal to obey a subpena served upon any person under this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(j) Any person who violates clause (1) or (2) of subsection (h) of this section shall be liable to a civil penalty of not more than $5,000 for each violation. Any person who violates clause (4) of subsection (h) of this section shall be liable to a civil penalty of not more than $2,000 for each violation. Each violation shall be a separate offense. The Secretary of the department in which the Coast Guard is operating may assess and compromise any such penalty. No penalty shall be assessed until the person charged shall have been given notice and an oppor-

tunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by said Secretary.

"(k) The provisions of this section shall be enforced by the Secretary of the department in which the Coast Guard is operating and he may utilize by agreement with or without reimbursement law enforcement officers or other personnel and facilities of the Secretary, other Federal agencies, or the State to carry out the provisions of this section.

"(l) Anyone authorized by the Secretary of the department in which the Coast Guard is operating to enforce the provisions of this section may, except as to public vessels, (1) board and inspect any vessel upon the navigable waters of the United States and (2) execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(m) In the case of Guam, actions arising under this section may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court

of the United States for the District of Hawaii and such court shall have jurisdiction of such actions.

"AREA ACID AND OTHER MINE WATER POLLUTION CONTROL DEMONSTRATIONS

"SEC. 19. (a) The Secretary, in cooperation with other Federal agencies, is authorized to enter into agreements with any State or interstate agency to carry out one or more projects to demonstrate methods for the elimination or control, within all or part of a watershed, of acid or other mine water pollution resulting from active or abandoned mines. Such projects shall demonstrate the engineering and economic feasibility and practicality of various abatement techniques which will contribute substantially to effective and practical methods of acid or other mine water pollution elimination or control.

"(b) The Secretary, in selecting watersheds for the purposes of this section, shall (1) require such feasibility studies as he deems appropriate, (2) give preference to areas which have the greatest present or potential value for public use for recreation, fish and wildlife, water supply, and other public uses, and (3) be satisfied that the project area will not be affected adversely by the influx of acid or other mine water pollution from nearby sources.

"(c) Federal participation in such projects shall be subject to the conditions—

"(1) that the State or interstate agency shall pay not less than 25 per centum of the actual project costs which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, personal property, or services, the value of which shall be determined by the Secretary; and

"(2) that the State or interstate agency shall provide legal and practical protection to the project area to insure against any activities which will cause future acid or other mine water pollution.

"(d) There is authorized to be appropriated $15,000,000 to carry out the provisions of this section, which sum shall be available until expended. No more than 25 per centum of the total funds appropriated under this section in any one year shall be granted to any one State.

"GREAT LAKES WATER POLLUTION CONTROL DEMONSTRATIONS

"SEC. 20. (a) The Secretary, in cooperation with other Federal agencies, is authorized to enter into agreements with any State, political subdivision, interstate agency, or other public agency to carry out one or more projects to demonstrate new methods and techniques and to develop preliminary plans for the elimination or control of pollution, within all or any part of the watersheds of the Great Lakes. Such projects shall demonstrate the engineering and economic

feasibility and practicality of removal of pollutants and prevention of any polluting matter from entering into the Great Lakes in the future and other abatement and remedial techniques which will contribute substantially to effective and practical methods of water pollution elimination or control.

"(b) Federal participation in such projects shall be subject to the conditions—

"(1) that the State, political subdivision, interstate agency, or other public agency shall pay not less than 25 per centum of the actual project costs which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, personal property, or services, the value of which shall be determined by the Secretary.

"(c) There is authorized to be appropriated $20,000,000 to carry out the provisions of this section, which sum shall be available until expended.

"TRAINING GRANTS AND CONTRACTS

"SEC. 21. The Secretary is authorized to make grants to or contracts with institutions of higher education, or combinations of such institutions, to assist them in planning, developing, strengthening, improving, or carrying out programs or projects for the preparation of undergraduate students to enter an occupation which involves the design, operation, and maintenance of treatment works, and other

facilities whose purpose is water quality control. Such grants or contracts may include payment of all or part of the cost of programs or projects such as—

"(A) planning for the development or expansion of programs or projects for training persons in the operation and maintenance of treatment works;

"(B) training and retraining of faculty members;

"(C) conduct of short-term or regular session institutes for study by persons engaged in, or preparing to engage in, the preparation of students preparing to enter an occupation involving the operation and maintenance of treatment works;

"(D) carrying out innovative and experimental programs of cooperative education involving alternate periods of full-time or part-time academic study at the institution and periods of full-time or part-time employment involving the operation and maintenance of treatment works; and

"(E) research into, and development of, methods of training students or faculty, including the preparation of teaching materials and the planning of curriculum.

"APPLICATION FOR TRAINING GRANT OR CONTRACT; ALLOCATION OF GRANTS OR CONTRACTS

"SEC. 22. (1) A grant or contract authorized by section 21 may be made only upon application to the Secretary at

such time or times and containing such information as he may prescribe, except that no such application shall be approved unless it—

"(A) sets forth programs, activities, research, or development for which a grant is authorized under section 21, and describes the relation to any program set forth by the applicant in an application, if any, submitted pursuant to section 23;

"(B) provides such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section; and

"(C) provides for making such reports, in such form and containing such information, as the Secretary may require to carry out his functions under this section, and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

"(2) The Secretary shall allocate grants or contracts under section 21 in such manner as will most nearly provide an equitable distribution of the grants or contracts throughout the United States among institutions of higher education which show promise of being able to use funds effectively for the purposes of this section.

"(3) (A) Payment under this section may be used in

accordance with regulations of the Secretary, and subject to the terms and conditions set forth in an application approved under subsection (a), to pay part of the compensation of students employed in connection with the operation and maintenance of treatment works, other than as an employee in connection with the operation and maintenance of treatment works, other than as an employee in any branch of the Government of the United States, as part of a program for which a grant has been approved pursuant to this section.

"(B) Departments and agencies of the United States are encouraged, to the extent consistent with efficient administration, to enter into arrangements with institutions of higher education for the full-time, part-time, or temporary employment, whether in the competitive or excepted service, of students enrolled in programs set forth in applications approved under subsection (a).

"AWARD OF SCHOLARSHIPS

"SEC. 23. (1) The Secretary is authorized to award scholarships in accordance with the provisions of this section for undergraduate study by persons who plan to enter an occupation involving the operation and maintenance of treatment works. Such scholarships shall be awarded for such periods as the Secretary may determine but not to exceed four academic years.

"(2) The Secretary shall allocate scholarships under this section among institutions of higher education with programs approved under the provisions of this section for the use of individuals accepted into such programs, in such manner and according to such plan as will insofar as practicable—

"(A) provide an equitable distribution of such scholarships throughout the United States; and

"(B) attract recent graduates of secondary schools to enter an occupation involving the operation and maintenance of treatment works.

"(3) The Secretary shall approve a program of an institution of higher education for the purposes of this section only upon application by the institution and only upon his finding—

"(A) that such program has as a principal objective the education and training of persons in the operation and maintenance of treatment works;

"(B) that such program is in effect and of high quality, or can be readily put into effect and may reasonably be expected to be of high quality;

"(C) that the application describes the relation of such program to any program, activity, research, or development set forth by the applicant in an applica-

tion, if any, submitted pursuant to section 21 of this Act; and

"(D) that the application contains satisfactory assurances that (i) the institution will recommend to the Secretary for the award of scholarships under this section, for study in such program, only persons who have demonstrated to the satisfaction of the institution a serious intent, upon completing the program, to enter an occupation involving the operation and maintenance of treatment works, and (ii) the institution will make reasonable continuing efforts to encourage recipients of scholarships under this section, enrolled in such program, to enter occupations involving the operation and maintenance of treatment works upon completing the program.

"(4)(A) The Secretary shall pay to persons awarded scholarships under this section such stipends (including such allowances for subsistence and other expenses for such persons and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

"(B) The Secretary shall (in addition to the stipends paid to persons under subsection (a)) pay to the institution of higher education at which such person is pursuing his

course of study such amount as he may determine to be consistent with prevailing practices under comparable federally supported programs.

"(5) A person awarded a scholarship under the provisions of this section shall continue to receive the payments provided in this section only during such periods as the Secretary finds that he is maintaining satisfactory proficiency and devoting full time to study or research in the field in which such scholarship was awarded in an institution of higher education, and is not engaging in gainful employment other than employment approved by the Secretary by or pursuant to regulation.

"(6) The Secretary shall by regulation provide that any person awarded a scholarship under this section shall agree in writing to enter and remain in an occupation involving the design, operation, or maintenance of treatment works for such period after completion of his course of studies as the Secretary determines appropriate.

"DEFINITIONS

"SEC. 24. (1) As used in sections 21 through 24 of this Act—

"(A) The term 'State' includes the District of Columbia, Puerto Rico, the Canal Zone, Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

"(B) The term 'institution of higher education' means an educational institution described in the first sentence of section 1201 of the Higher Education Act of 1965 (other than an institution of any agency of the United States) which is accredited by a nationally recognized accrediting agency or association approved by the Secretary for this purpose. For purposes of this subsection, the Secretary shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

"(C) The term 'academic year' means an academic year or its equivalent, as determined by the Secretary.

"(2) The Secretary shall annually report his activities under sections 21 through 24 of this Act, including recommendations for needed revisions in the provisions thereof.

"(3) There are authorized to be appropriated $12,000,000 for the fiscal year ending June 30, 1970, $25,000,000 for the fiscal year ending June 30, 1971, and $25,000,000 for the fiscal year ending June 30, 1972, to carry out sections 21 through 24 of this Act (and planning and related activities in the initial fiscal year for such purpose). Funds appropriated for the fiscal year ending June 30, 1970, under authority of this subsection shall be available for obligation pursuant to the provisions of sections 21 through 24 of this Act during that year and the succeeding fiscal year."

SEC. 3. (a) Section 11 of the Federal Water Pollution Control Act, as amended, is amended to read as follows:

"COOPERATION BY ALL FEDERAL AGENCIES IN THE CONTROL OF POLLUTION

"SEC. 11. (a) Each Federal agency having jurisdiction over any real property or facility of any kind shall, within available appropriations and consistent with the interests of the United States, insure compliance with applicable water quality standards and the purposes of this Act in the administration of such property or facility. In his summary of any conference pursuant to section 10(d)(4) of this Act, the Secretary shall include references to any discharges allegedly contributing to pollution from any such Federal property or facility, and shall transmit a copy of such summary to the head of the Federal agency having jurisdiction of such property or facility. Notice of any hearing pursuant to section 10(f) of this Act involving any pollution alleged to be effected by any such discharges shall also be given to the Federal agency having jurisdiction over the property or facility involved, and the findings and recommendations of the hearing board conducting such hearing shall include references to any such discharges which are contributing to the pollution found by such board.

"(b) Any applicant for a Federal license or permit to conduct any activity which may result in discharges into the

navigable waters of the United States shall provide the licensing or permitting agency with certification from each adversely affected State or interstate water pollution control agency as determined by the licensing or permitting agency that there is reasonable assurance, as determined by the State or interstate agency, that such activity will be conducted in a manner which will not reduce the quality of such waters below applicable water quality standards. In any case where such standards have been promulgated by the Secretary pursuant to section 10(c) of this Act, or where a State or interstate agency has no authority to give such a certification, such certification shall be from the Secretary. If an affected State or interstate water pollution control agency or the Secretary, as the case may be, fails to act to certify or refuse to certify within a reasonable period of time as determined by the licensing or permitting agency after notification of such application, the certification requirements of this subsection shall be waived with respect to such State, agency, or Secretary, as the case may be, with respect to such application. If an applicant for a Federal license or permit receives a certification under this subsection in connection with such application, then the Federal agency to whom such application is made, and any other Federal agency may accept such certification for the purposes of this subsection in connection with any other application

made to it by such applicant for a license or permit, except that if any affected State or the Secretary, if his certification is involved, after notice, which shall be given by such Federal agency, makes written objection, such certification may not be so accepted. No license or permit shall be granted until such certification has been obtained. In any case where actual construction of a facility for the conduct of any activity has been lawfully commenced prior to the date of enactment of the Water Quality Improvement Act of 1969, no certification shall be required under this subsection for a license or permit issued after the date of enactment of the Water Quality Improvement Act of 1969 to conduct such activity, except that any such license or permit issued without certification shall terminate at the end of the two-year period beginning on the date of enactment of the Water Quality Improvement Act of 1969 unless prior to such termination date the person having such license or permit submits to the Federal agency which issued such license or permit a certification which otherwise meets the requirements of this subsection. Such license or permit may be suspended if a court of competent jurisdiction finds that such licensee or permittee is not in compliance with applicable water quality standards. Nothing in this section shall be construed to limit any other authority pursuant to this Act or any other provision of State or Federal law to require compliance

with applicable water quality standards. No Federal agency shall be deemed to be an applicant for the purposes of this subsection. The Secretary shall, upon the request of any State or Federal department or agency, provide any technical assistance to such department or agency for the purpose of carrying out this section."

SEC. 4. Section 12 of the Federal Water Pollution Control Act, as amended, is amended by adding at the end thereof the following:

"(f) It is the purpose of this subsection to authorize a program which will provide official recognition by the United States Government to industrial firms and to political subdivisions of States which demonstrate excellence in their waste treatment and pollution abatement programs. The Secretary shall, in consultation with the appropriate State water pollution control agency, establish regulations under which such recognition may be granted.

"(A) The Secretary shall award a certificate or certificates and a flag or flags of suitable design to each industrial organization or political subdivision which qualifies for such recognition under regulations established by this subsection.

"(B) The President of the United States, the Governor of the appropriate State, the Speaker of the House of Representatives, and the President pro tempore of the Senate

shall be notified of the award by the Secretary, and the awarding of such recognition shall be published in the Federal Register.

"(C) Beginning on the day following the awarding of such recognition, the recipient industry or political subdivision is authorized to display publicly the flag and certificate, including the display of the flag insignia and the receipt of recognition as part of advertising and other material which is publicly distributed or broadcast."

SEC. 5. Section 5 of the Federal Water Pollution Control Act, as amended, is amended—

(1) by redesignating subsections (g) and (h) as (k) and (l), including all references thereto;

(2) by inserting after subsection (f) the following new subsections:

"(g) The Secretary is authorized to enter into contracts with, or make grants to, public or private agencies and organizations and individuals for the purpose of developing and demonstrating new or improved methods for the prevention, removal, and control of natural or manmade pollution in lakes, including the undesirable effects of nutrients and vegetation.

"(h) In carrying out the provisions of this section relating to the conduct by the Secretary of demonstration projects and the development of field laboratories and research

facilities, the Secretary may acquire land and interests therein by purchase, with appropriated or donated funds, by donation, or by exchange for acquired or public lands under his jurisdiction which he classifies as suitable for disposition. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

"(i) The Secretary shall engage in such research, studies, experiments, and demonstrations as he deems appropriate relative to the removal of oil from any waters and to the prevention and control of oil pollution, and shall publish from time to time the results of such activities. In carrying out this subsection, the Secretary may enter into contracts with, or make grants to, public or private organizations and individuals.

"(j) The Secretary shall engage in such research, studies, experiments, and demonstrations as he deems appropriate relative to equipment which is to be installed on board a vessel and is designed to receive, retain, treat, or discharge human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes with particlar emphasis on equipment to be installed on small recreational vessels. The Secretary shall report to Congress the results of such research, studies, experiments,

and demonstrations prior to the effective date of any standards established under section 18 of this Act. In carrying out this subsection the Secretary may enter into contracts with, or make grants to, public or private organizations and individuals.";

(3) in redesignated subsection (k)(4) by striking out the words "and June 30, 1969," and inserting in lieu thereof "June 30, 1969, and June 30, 1970,"; and

(4) by amending the first sentence of redesignated subsection (l) by striking out "and $65,000,000 for the fiscal year ending June 30, 1969." and inserting in lieu thereof "and $65,000,000 per fiscal year for each of the fiscal years ending June 30, 1969, June 30, 1970, and June 30, 1971."

SEC. 6. Section 6(c) of the Federal Water Pollution Control Act (33 U.S.C. 466e-1) is amended as follows:

(1) Paragraph (1) is amended by striking out "three succeeding fiscal years" and inserting in lieu thereof "five succeeding fiscal years,".

(2) Paragraph (2) is amended by striking out "two succeeding fiscal years," and inserting in lieu thereof "four succeeding fiscal years,".

(3) Paragraph (3) is amended by striking out "two succeeding fiscal years," and inserting in lieu thereof "four succeeding fiscal years,".

SEC. 7. Section 14 of the Federal Water Pollution Control Act, as amended, is amended by deleting the following: "the Oil Pollution Act, 1924, or".

SEC. 8. The Oil Pollution Act, 1924 (43 Stat. 604), as amended (80 Stat. 1246-1252), is hereby repealed.

SEC. 9. The Secretary of the Interior shall conduct a full and complete investigation and study of the feasibility of any and all methods of financing the cost of preventing, controlling, and abating water pollution. The results of such investigation and study shall be reported to Congress no later than January 1, 1970, together with the recommendations of the Secretary for financing the programs for preventing, controlling, and abating water pollution, including any necessary legislation.

SEC. 10. (a) The first sentence of section 2 of the Federal Water Pollution Control Act (33 U.S.C. 466-1) is amended by striking out "Federal Water Pollution Control Administration" and inserting in lieu thereof "National Water Quality Administration".

(b) Any other law, reorganization plan, regulation, map, document, record, or other paper of the United States in which the Federal Water Pollution Control Administration is referred to shall be held to refer to the National Water Quality Administration.

TITLE I—WATER QUALITY IMPROVEMENT

SECTION 101. This title may be cited as the "Water Quality Improvement Act of 1969".

SEC. 102. Sections 17 and 18 of the Federal Water Pollution Control Act, as amended, are hereby repealed. Section 19 of the Federal Water Pollution Control Act, as amended, is redesignated as section 22. Sections 11 through 16 of the Federal Water Pollution Control Act, as amended, are redesignated as sections 16 through 21. The Federal Water Pollution Control Act, as amended, is further amended by inserting after section 10 five new sections to read as follows:

"CONTROL OF SEWAGE FROM VESSELS

"SEC. 11. (a) For the purpose of this section, the term—

"(1) 'new vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which is initiated after promulgation of standards and regulations under this section;

"(2) 'existing vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of

which has been initiated before promulgation of standards and regulations under this section;

"(3) 'public vessel' means a vessel owned or bareboat chartered and operated by the United States, by a State or political subdivision thereof, or by a foreign nation, except in any case in which such vessel is engaged in commerce;

"(4) 'United States' includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Canal Zone, and the Trust Territory of the Pacific Islands;

"(5) 'marine sanitation device' means any equipment for installation on board a vessel which is designed to receive, retain, treat, or discharge sewage;

"(6) 'sewage' means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

"(7) 'manufacturer' means any person engaged in the manufacturing, assembling, or importation of marine sanitation devices or of vessels having installed on board such devices; and

"(8) 'person' means an individual, partnership, firm, corporation, or association, but does not include an individual on board a public vessel.

"(b)(1) Not later than two years after the enactment

of this section, the Secretary, after consultation with the Secretary of the department in which the Coast Guard is operating, after giving appropriate consideration to the economic costs involved and within the limits of available technology, shall promulgate Federal standards of performance for marine sanitation devices (hereinafter referred to as 'standards') which shall be designed to prevent the discharge of untreated or inadequately treated sewage into or upon the navigable waters of the United States from new vessels and existing vessels, except vessels not equipped with installed toilet facilities. Such standards shall be consistent with maritime safety and the marine and navigation laws and regulations and shall be coordinated with the regulations issued under this subsection by the Secretary of the department in which the Coast Guard is operating. The Secretary of the department in which the Coast Guard is operating shall promulgate regulations, which are consistent with the standards issued under this subsection and with maritime safety and the marine and navigation laws and regulations, governing the design, construction, installation, and operation of any marine sanitation device on board such vessels.

"(2) Any existing vessel equipped with a device or devices installed pursuant to the requirements of State statute, regulation, or recommended levels of control set forth in

the Handbook on Sanitation and Vessel Construction (Public Health Service, 1965) prior to the promulgation of the initial standards and regulations required by this section shall be deemed in compliance with this section until such time as the device or devices are replaced or are found not to be in compliance with such State statute, regulation, or recommended level.

"(c)(1) Initial standards and regulations under this section shall become effective for new vessels two years after promulgation; and for existing vessels five years after promulgation. Revisions of standards and regulations shall be effective upon promulgation, unless another effective date is specified.

"(2) The Secretary of the department in which the Coast Guard is operating with regard to the regulatory authority established by this section, may distinguish among classes, types, and sizes of vessels as well as between new and existing vessels, and may waive applicability of standards and regulations as necessary or appropriate for such classes, types, and sizes of vessels, and, upon application, for individual vessels.

"(d) The provisions of this section and the standards and regulations promulgated thereunder shall apply to vessels owned and operated by the United States unless the

Secretary of Defense finds that compliance would not be in the interest of national security.

"(e) Before the standards and regulations under this section are promulgated, the Secretary and the Secretary of the department in which the Coast Guard is operating shall consult with the Secretary of State; the Secretary of Health, Education, and Welfare; the Secretary of Defense; the Secretary of Commerce; other interested Federal agencies; and the States and industries interested; and otherwise comply with the requirements of section 553 of title 5 of the United States Code.

"(f) After the effective date of any standards and regulations established pursuant to this section, no State or political subdivision thereof shall adopt or enforce any statute or regulation with respect to the design, manufacture, installation, or use of any marine sanitation device in connection with any vessel subject to the provisions of this section, except that nothing in this subsection shall restrict the authority of a State to prohibit the discharge of sewage in any waters within a State where implementation of applicable water quality standards requires such prohibition.

"(g)(1) No manufacturer of a marine sanitation device shall sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States for sale or resale any marine sanitation device manu-

factured after the effective date of the standards and regulations promulgated under this section unless such device is in all material respects substantially the same as a test device certified under this subsection.

"(2) Upon application of the manufacturer, the Secretary of the department in which the Coast Guard is operating shall so certify a marine sanitation device if he determines, in accordance with the provisions of this paragraph, that it meets the appropriate standards and regulations promulgated under this section. The Secretary of the department in which the Coast Guard is operating shall test or require such testing of the device in accordance with procedures set forth by the Secretary as to standards of performance and for such other purposes as may be appropriate. If the Secretary of the department in which the Coast Guard is operating determines that the device is satisfactory from the standpoint of the procedures set forth by the Secretary and any other requirements of maritime law or regulation, and after consideration of the design, installation, operation, material, or other appropriate factors, he shall certify the device. Any device manufactured by such manufacturer which is in all material respects substantially the same as the certified test device shall be deemed to be in conformity with the appropriate standards and regulations established under this section.

"(3) Every manufacturer shall establish and maintain such records, make such reports, and provide such information as the Secretary or the Secretary of the department in which the Coast Guard is operating may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this section and regulations thereunder and shall, upon request of an officer or employee duly designated by the Secretary or the Secretary of the department in which the Coast Guard is operating, permit such officer or employee at reasonable times to have access to and copy such records. All information reported to, or otherwise obtained by, the Secretary or the Secretary of the department in which the Coast Guard is operating or their representatives pursuant to this subsection which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this section.

"(h) After the effective date of standards and regulations promulgated under this section, it shall be unlawful—

"(1) for the manufacturer of any vessel subject to such standards and regulations to manufacture for sale, to sell or offer for sale, or to distribute for sale or resale any such vessel unless it is equipped with a marine

sanitation device which is in all material respects substantially the same as the appropriate test device certified pursuant to this section;

"(2) for any person, prior to the sale or delivery of a vessel subject to such standards and regulations to the ultimate purchaser, wrongfully to remove or render inoperative any certified marine sanitation device or element of design of such device installed in such vessel;

"(3) for any person to fail or refuse to permit access to or copying of records or to fail to make reports or provide information required under this section; and

"(4) for a vessel subject to such standards and regulations to operate on the navigable waters of the United States, if such vessel is not equipped with an operable marine sanitation device certified pursuant to this section.

"(i) The district courts of the United States shall have jurisdiction to restrain violators of subsection (h) of this section. Actions to restrain such violators shall be brought by, and in, the name of the United States. In any such action, subpenas for witnesses who are required to attend a district court in any district may run into any other district. In case of contumacy or refusal to obey a subpena served upon any person under this subsection, the district court of the United States for any district in which such

person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(j) Any person who violates clause (1) or (2) of subsection (h) of this section shall be liable to a civil penalty of not more than $5,000 for each violation. Any person who violates clause (4) of subsection (h) of this section or any regulation issued pursuant to this section, shall be liable to a civil penalty of not more than $2,000 for each violation. Each violation shall be a separate offense. The Secretary of the department in which the Coast Guard is operating may assess and compromise any such penalty. No penalty shall be assessed until the person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by said Secretary.

"(k) The provisions of this section shall be enforced by the Secretary of the Department in which the Coast Guard is operating and he may utilize by agreement, with

or without reimbursement, law enforcement officers or other personnel and facilities of the Secretary, other Federal agencies, or the States to carry out the provisions of this section.

"(l) Anyone authorized by the Secretary of the Department in which the Coast Guard is operating to enforce the provisions of this section may, except as to public vessels, board and inspect any vessel upon the navigable waters of the United States, and execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(m) The several district courts of the United States are invested with jurisdiction for any actions arising under this section. In the case of Guam, such actions may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone, such actions may be brought in the District Court for the District of the Canal Zone.

"CONTROL OF OIL DISCHARGES

"SEC. 12. (a) For the purpose of this section, the term—

"(1) 'oil' means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil;

"(2) 'discharge' means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping;

"(3) 'vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, other than a public vessel;

"(4) 'public vessel' means a vessel owned or bareboat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation or political subdivision thereof, except in any case in which such vessel is engaged in commerce;

"(5) 'United States' includes the States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Canal Zone, and the Trust Territory of the Pacific Islands;

"(6) 'owner or operator' means, as the context requires, any person owning, operating, or chartering by demise, a vessel, or any person owning or operating an onshore or offshore facility or an onshore or offshore drilling-production facility;

"(7) 'person' includes an individual, firm, corporation, association, or a partnership;

"(8) 'remove' or 'removal' includes removal of the oil from the water and shorelines and the taking of actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private shorelines;

"(9) 'contiguous zone' means the entire zone established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone;

"(10) 'onshore or offshore drilling-production facility' means any facility of any kind and related appurtenances, thereto located in, on, or under, the surface of any land, or permanently or temporarily affixed to any land, including lands beneath the navigable waters of the United States, which is used or capable of being used for the purpose of exploring for, drilling, or producing oil;

"(11) 'onshore or offshore facility' means any facility, other than an onshore or offshore drilling-production facility, of any kind and related appurtenances thereto located in, on, or under, the surface of any land, or per-

manently or temporarily affixed to any land, including lands beneath the navigable waters of the United States, which is used or capable of being used for the purpose of processing, transporting, or transferring oil, or for the purpose of storing oil for any commercial purpose, but does not include any facility, other than a marine facility, used or capable of being used to store five hundred barrels of oil or less; and

"(12) 'act of God' means an act occasioned exclusively by violence of nature without the interference of any human agency.

"(b)(1) The discharge of oil into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone is prohibited, except (A) in the case of such discharges into the waters of the contiguous zone, where permitted under article IV of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, and (B) where permitted in quantities and at times and locations or under such circumstances or conditions as the President may, by regulation, deem appropriate. Any regulations issued under this subsection shall be consistent with maritime safety and with marine and navigation laws and regulations and applicable water quality standards.

"(2) Any vessel, onshore or offshore facility, or onshore

or offshore drilling-production facility from which oil is knowingly discharged in violation of the provisions of paragraph (1) of this subsection shall be subject to an in rem civil penalty of not more than $2,500 for each offense. No penalty shall be assessed unless the owner or operator of the vessel or of the onshore or offshore facility has been given notice and an opportunity for a hearing with respect to such discharge. Any such penalty also may be compromised. In determining the amount of such penalty, or the amount agreed upon in compromise, the gravity and nature of the violation, the history of discharges by such vessel or facility, the giving of notice pursuant to subsection (c), and any action taken to minimize or mitigate damage, including removal of discharged oil in accordance with the provisions of this section and the regulations promulgated thereto, shall be taken into consideration.

"(c) In order to facilitate the removal of oil and minimize or mitigate damage resulting from the discharge thereof, any person in charge of a vessel, an onshore or offshore facility, or an onshore or offshore drilling-production facility shall, as soon as he has knowledge of any discharge of oil from such vessel or facility in violation of subsection (b) of this section or the regulations promulgated thereunder, immediately notify the appropriate agency of the United States Government of such discharge. Any such person who fails to

notify immediately such agency of such discharge shall, upon conviction, be fined not more than $5,000, or imprisoned for not more than one year, or both. Notification received pursuant to this subsection shall not be used by the United States Government to enforce the provisions of any other Federal law or to provide any information obtained from such notice to any State for the purpose of any criminal prosecution.

"(d)(1) Within one hundred and eighty days after the effective date of this section, the President shall, consistent with maritime safety, marine and navigation laws, and applicable water quality standards, issue regulations (A) relative to the procedures, methods, and equipment for preventing discharges of oil, (B) establishing criteria relating to the procedures, methods, means, and equipment used in the removal of discharged oil, and (C) establishing criteria for the development and implementation of oil removal contingency plans. The regulations shall also provide procedures for the review and approval of such plans, where appropriate.

"(2) Any owner or operator of a vessel, onshore or offshore facility, or onshore or offshore drilling-production facility who fails or refuses to comply with the provisions of any regulation issued under paragraph (1) of this subsection, shall be subject to an in rem civil penalty of not more than $1,000 for each such failure or refusal. No penalty

shall be assessed until such owner or operator has been given notice and an opportunity for a hearing on such charge. Any such penalty also may be compromised. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity and nature of the violation, the history of previous violations, and the demonstrated good faith of the owner or operator charged in attempting to achieve rapid compliance, after notification of an offense, shall be taken into consideration.

"(e) Whenever any oil is discharged in violation of subsection (b) of this section, unless removal is immediately undertaken by the owner or operator of the vessel, onshore or offshore facility, or onshore or offshore drilling-production facility from which the discharge occurs pursuant to the regulations promulgated under subsection (d) of this section, the President shall remove or arrange for the removal thereof. Nothing in this subsection shall be construed to restrict the authority of the President to act to remove or arrange for the removal of such oil at any time.

"(f)(1) Except where an owner or operator can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act of a third party, such owner or operator of any vessel from which oil is discharged, or which causes the discharge of oil, into or upon the navigable

waters of the United States or adjoining shorelines or the waters of the contiguous zone shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (e) for the removal of such oil by the United States Government in an amount not to exceed $125 per gross ton of such vessel or $14 million, whichever is lesser, except that where such discharge was the result of negligence or a willful act, such owner or operator shall be liable to the United States Government for the full amount of such costs.

"(2)(A) Each owner or operator of a vessel over three hundred gross tons, including any barge of equivalent size, using any port or place in the United States or the navigable waters of the United States, shall establish and maintain, under regulations prescribed by the designated Federal agency, evidence of financial responsibility of $100 per gross ton of the liability to which the vessel could be subjected under paragraph (1) of this subsection. Financial responsibility may be established and maintained by any one of, or a combination of, the following methods acceptable to the designated Federal agency: (i) evidence of insurance, (ii) surety bonds, (iii) qualification as a self-insurer, or (iv) other evidence of financial responsibility satisfactory to the designated Federal agency.

"(B) If a bond is filed with the designated Federal

agency, then such bond shall be issued by a bonding company authorized to do business in the United States.

"(C) Any claim for costs incurred by such vessel may be brought directly against the insurer or any other person providing evidence of financial responsibility as required under this subsection. In the case of any action pursuant to this subsection such insurer or other person shall be entitled to invoke all rights and defenses which would have been available to the owner or operator if an action had been brought against him by the claimant, and which would have been available to him if an action had been brought against him by the owner or operator.

"(g) Each owner or operator of a vessel subject to the provisions of this subsection shall designate a person in the United States as his legal agent for service of process under this section.

"(h) The Secretary of the Treasury shall, upon request of the delegate of the President, withhold, at the port or place of departure from the United States, the clearance of a vessel, other than a public vessel, required by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C. 91), which (1) is liable to the United States Government for any costs or penalties under subsection (b) or (f) of this section until such costs or penalties are paid or until a bond or other satisfactory surety is posted, or (2) has

failed to meet the requirements of subsection (f)(2) of this section.

"(i)(1) Except where an owner or operator can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act of a third party, the owner or operator of any onshore or offshore facility from which oil is discharged into or upon the navigable waters of the United States or adjoining shorelines shall be liable to the United States Government for the actual costs incurred for the removal of such oil by the United States Government in an amount not to exceed $125 per ton of oil which such facility is capable of (i) processing, (ii) transporting, (iii) transferring, in any twenty-four hour period, or (iv) storing in the largest unit of such facility, whichever is greater, except where the discharge was the result of negligence or a willful act, the owner or operator shall be liable to the United States Government for the full amount of such costs.

"(2) Except where an owner or operator can prove that a discharge was caused soley by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act of a third party, the owner or operator of an onshore or offshore drilling-production facility from which oil is discharged, or which causes the discharge of oil, into or upon the navigable waters of the United States

or adjoining shorelines shall be liable to the United States Government for the actual costs incurred in the removal of such oil by the United States Government in an amount not to exceed $8,000,000 except, where the discharge was the result of negligence or a willful act, the owner or operator shall be liable to the United States Government for the full amount of such costs.

"(j)(1) In any case where an owner or operator removes oil discharged from a vessel into or upon the navigable waters of the United States or adjoining shorelines or the waters of the continguous zone or removes oil discharged into or upon the navigable waters of the United States or adjoining shorelines from an onshore or offshore facility or an onshore or offshore drilling-production facility, such owner or operator shall be entitled to recover the reasonable costs incurred in such removal upon establishing, in a suit which may be brought against the United States Government in the United States Court of Claims, that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States, or (D) an act of a third party.

"(2) In any case where recovery of costs is obtained by an owner or operator pursuant to this subsection and the discharge involved was caused by an act of a third party, the United States Government shall be subrogated to any rights

such owner or operator may have against such third party due to causing such discharge.

"(3) The provisions of this subsection shall not apply in any case where liability is established pursuant to the Outer Continental Shelf Lands Act.

"(4) Any amount paid in accordance with a judgment of the Untied States Court of Claims pursuant to this section shall be paid from the fund established pursuant to subsection (k).

"(k)(1) The President is authorized to delegate the responsibility of administering the provisions of this section to one or more appropriate Federal agencies. Any moneys in the fund established by this subsection shall be available to such Federal agencies to carry out the provisions of subsections (e) and (j) of this section. Each such agency, in order to avoid duplication of effort, shall, whenever appropriate, utilize the personnel, services, and facilities of other Federal agencies.

"(2) There is hereby authorized to be appropriated to a revolving fund to be established in the Treasury not to exceed $50,000,000. Any funds received by the United States Government under this section shall also be deposited in said fund for such purposes. All sums appropriated to, or deposited in, said fund shall remain available until expended.

"(l) The liability established by this section shall in no

way affect any rights which (1) the owner or operator of a vessel, an onshore or offshore facility, or an onshore or offshore drilling-production facility may have against any third party whose acts may in any way have caused or contributed to such discharge, or (2) the United States Government may have against any third party whose actions may in any way have caused or contributed to the discharge of oil.

"(m) Anyone authorized by the President to enforce the provisions of this section may (1) board and inspect any vessel upon the navigable waters of the United States, (2) with or without a warrant arrest any person who violates the provisions of this section or any regulation issued thereunder in his presence or view, and (3) execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(n)(1) Where as determined by the President there is an imminent and substantial threat to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife and public and private shorelines within the United States, because of an actual or threatened discharge of oil into or upon the navigable waters of the United States from a vessel, the delegate of the President shall have the right to take immediate possession of such vessel so far as to remove it or take such other action as may be appropriate to eliminate or mitigate such threat, and to prevent

any unnecessary injury, and no one shall interfere with or prevent such removal or other action, except that the head of the agency charged with removal or other action under this subsection may, in his discretion, give notice in writing to the owner or operator of any such vessel requiring them to act. Any expense incurred under this subsection shall be a cost incurred by the United States Government for the purposes of subsection (f) in the removal of oil.

"(2) In addition to any other action taken by a State or local government, when the President determines there is an imminent and substantial threat to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife and public and private shorelines within the United States, because of an actual or threatened discharge of oil into or upon the navigable waters of the United States from an onshore or offshore drilling-production facility or an onshore or offshore facility, the President may require the United States attorney of the district in which the threat occurs to secure such relief as may be necessary to abate such threat.

"(o) The several district courts of the United States are invested with jurisdiction for any actions, other than actions pursuant to subsection (j)(1), arising under this section. In the case of Guam, such actions may be brought in the district court of Guam, and in the case of the Virgin Islands

such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone, such actions may be brought in the United States District Court for the District of the Canal Zone.

"(p) Nothing in this section shall be construed as affecting or modifying any other existing authority of any Federal agency relative to onshore or offshore facilities or onshore or offshore drilling-production facilities under this Act or any other provision of law or to affect or modify any State or local law not in conflict with the provisions of this section.

"(q) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel, onshore or offshore facility to any person or agency under any provision of law for damages to any publicly- or privately-owned property resulting from a discharge of any oil or from the removal of any such oil.

"CONTROL OF HAZARDOUS POLLUTING SUBSTANCES

"SEC. 13. (a) The President shall, in accordance with the procedures set forth in this section, develop, promulgate, and revise as may be appropriate, regulations (1) designating as hazardous substances, other than oil as defined in

section 12 of this Act, such elements and compounds which, when discharged in any quantity into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone, present an imminent and substantial danger to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, shorelines, and beaches; and (2) establishing, if appropriate, criteria for the removal of such substances, including criteria relative to the methods and means of removal.

"(b) In the development of such regulations, the President or his delegate shall consult with other interested Federal agencies, representatives of State agencies, and other interested persons and organizations. Consideration shall be given to the latest available scientific data in the field, the technical feasibility of the regulations, and experience gained under this Act.

"(c) The President shall from time to time publish any such proposed regulations in the Federal Register and shall afford interested persons a period of not less than thirty days after publication to submit written data or comments. Except as provided in subsection (d) of this section, the President may, upon the expiration of such period and after consideration of all relevant matter presented, promulgate such regulations with such modifications as he may deem appropriate.

"(d) On or before the last day of any period fixed for the submission of written data or comments under subsection (c), any interested person may file with the President written objections to a proposed regulation, stating the grounds therefor and requesting a public hearing. As soon as practicable after the period for filing such objections has expired, the President shall publish in the Federal Register a notice specifying the proposed regulations to which objections have been filed and a hearing requested, and shall promptly hold a public hearing for the purpose of receiving relevant evidence. After completion of the hearing, the President shall make findings of fact on such objections, and the President may promulgate the regulations with such modifications as he deems appropriate, or take such other action as he deems appropriate. All such findings shall be made public.

"(e) Any aggrieved person may, within sixty days after promulgation in the Federal Register of any regulation for which a hearing was held under subsection (d), file with the United States Court of Appeals for the District of Columbia a petition praying that such regulation be modified or set aside in whole or in part. A copy of the petition shall forthwith be sent by registered or certified mail to the President, and thereupon the President shall certify and file in such court the record upon which the President made his decision, as provided in section 2112, title 28, United States

Code. The court shall hear such appeal on the record made before the President. The findings of the President, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may affirm, vacate, or remand the proceedings to the President for such further action as it directs. The review provided by this subsection shall be the exclusive review available to such person of any such regulation and such regulation shall not be the subject of any review during any procedure leading to the enforcement of such regulation. The filing of a petition under this subsection shall not stay the application of the regulation complained of, unless the court so orders, upon finding that there is a substantial likelihood that the President's findings are erroneous, and that irreparable injury will result without such a stay.

"(f) Any regulation promulgated under this section shall be effective upon publication in the Federal Register unless the President specifies a later date.

"(g) In order to facilitate the removal, if appropriate, of any hazardous substance any person in charge of a vessel or of an onshore or offshore facility of any kind shall, as soon as he has knowledge of any discharge of such substance from such vessel or facility, immediately notify the appropriate agency of the United States of such discharge. Any such person who knowingly fails to notify immediately such

agency of such discharge shall, upon conviction, be fined not more than $5,000, or imprisoned for not more than one year or both. Notification received pursuant to this section shall not be used by the United States Government to enforce the provisions of any other Federal law or to provide any information obtained from such notice to any State for the purpose of any criminal prosecution.

"(h) Whenever any hazardous substance is discharged into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone, unless removal is immediately undertaken by the owner or operator of the vessel or onshore or offshore facility from which the discharge occurs or which caused the discharge, pursuant to the regulations promulgated under this section, the President, if appropriate, shall remove or arrange for the removal thereof in accordance with such regulations. Nothing in this subsection shall be construed to restrict the authority of the President to act to remove or arrange for the removal of such hazardous substance at any time.

"(i) Any owner or operator of a vessel or onshore or offshore facility who fails or refuses to comply with the provisions of any regulations promulgated under this section shall be subject to an in rem civil penalty of not more than $5,000 for each such failure or refusal. No penalty shall be assessed until such owner or operator has been given notice

and an opportunity for a hearing on such charge. Any such penalty also may be compromised. In determining the amount of the penalty, or amount agreed upon in compromise, the gravity and nature of the violation, the demonstrated good faith of the owner or operator charged in attempting to achieve rapid compliance after notification of a violation, and the history of previous violations shall be considered.

"(j) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel, onshore or offshore facility to any person or agency under any provision of law for damages to any publicly- or privately-owned property resulting from a discharge of any hazardous substance or from the removal of any such substance.

"(k) Anyone authorized by the President to enforce the provisions of this section may (1) board and inspect any vessel upon the navigable waters of the United States, (2) with or without a warrant arrest any person who violates the provisions of this section or any regulation issued thereunder in his presence or view, and (3) execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(l) The several district courts of the United States are invested with jurisdiction for any actions arising under this section. In the case of Guam, such actions may be brought in the district court of Guam, and in the case of the Virgin

Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone such actions may be brought in the United States District Court for the District of the Canal Zone.

"(m)(1) For the purpose of this section the definitions in subsection (a) of section 12 of this Act shall be applicable to the provisions of this section, except as provided in paragraph (2) of this subsection:

"(2) For the purpose of this section, the term—

"(A) 'remove' or 'removal' includes removal of the hazardous substances from the water and shorelines and the taking of actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private shorelines;

"(B) 'owner or operator' means, as the context requires, any person owning, operating, chartering by demise, or otherwise controlling the operations of, a vessel, or any person owning, operating, or otherwise controlling the operations of an onshore or offshore facility; and

"(C) 'offshore or onshore facility' means any facility of any kind and related appurtenances thereto which is located in, on, or under the surface of any land, or permanently or temporarily affixed to any land, including lands beneath the navigable waters of the United States and which is used or capable of use for the purpose of processing, transporting, producing, storing, or transferring for commercial purposes hazardous substance designated under this section.

"(n) The President shall submit a report to the Congress, together with his recommendations, not later than November 1, 1970, on the need for, and desirability of, enacting legislation to impose liability for the cost of removal of hazardous substances discharged from vessels and onshore and offshore facilities subject to this section. In preparing this report, the President shall conduct an accelerated study which shall include, but not be limited to, the method and measures for controlling hazardous substances to prevent this discharge, the most appropriate measures for enforcement and recovery of costs incurred by the United States if removal is undertaken by the United States, and methods of imposing civil or criminal sanctions where removal is impossible or impractical. In carrying out this study, the President shall consult with the interested representatives of the various public

and private interest groups that would be affected by such legislation as well as other interested persons.

"(o) The President is authorized to delegate the responsibility of administering the provisions of this section to one or more appropriate Federal agencies. Any moneys in the fund established by section 12 of this Act shall be available to such Federal agencies to carry out the purposes of this section. Each such agency, in order to avoid duplication of effort, shall, whenever appropriate, utilize the personnel, services, and facilities of other Federal agencies.

"AREA ACID AND OTHER MINE WATER POLLUTION CONTROL DEMONSTRATIONS

"SEC. 14. (a) The Secretary in cooperation with other Federal agencies is authorized to enter into agreements with any State or interstate agency to carry out one or more projects to demonstrate methods for the elimination or control, within all or part of a watershed, of acid or other mine water pollution resulting from active or abandoned mines. Such projects shall demonstrate the engineering and economic feasibility and practicality of various abatement techniques which will contribute substantially to effective and practical methods of acid or other mine water pollution elimination or control.

"(b) The Secretary, in selecting watersheds for the pur-

poses of this section, shall (1) require such feasibility studies as he deems appropriate, (2) give preference to areas which have the greatest present or potential value for public use for recreation, fish and wildlife, water supply, and other public uses, and (3) be satisfied that the project area will not be affected adversely by the influx of acid or other mine water pollution from nearby sources.

"(c) Federal participation in such projects shall be subject to the conditions—

"(1) that the State or interstate agency shall pay not less than 25 per centum of the actual project costs which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, or personal property or services, the value of which shall be determined by the Secretary; and

"(2) that the State or interstate agency shall provide legal and practical protection to the project area to insure against any activities which will cause future acid or other mine water pollution.

"(d) There is authorized to be appropriated $15,000,000 to carry out the provisions of this section, which sum shall be available until expended. No more than 25 per centum of the total funds available under this section in any one year shall be granted to any one State.

"POLLUTION CONTROL IN GREAT LAKES

"SEC. 15. (a) The Secretary, in cooperation with other Federal agencies, is authorized to enter into agreements with any State, political subdivision, interstate agency, or other public agency, or combination thereof, to carry out one or more projects to demonstrate new methods and techniques and to develop preliminary plans for the elimination or control of pollution, within all or any part of the watersheds of the Great Lakes. Such projects shall demonstrate the engineering and econominc feasibility and practicality of removal of pollutants and prevention of any polluting matter from entering into the Great Lakes in the future and other abatement and remedial techniques which will contribute substantially to effective and practical methods of water pollution elmination or control.

"(b) Federal participation in such projects shall be subject to the condition that the State, political subdivision, interstate agency, or other public agency, or combination thereof, shall pay not less than 25 per centum of the actual project costs which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, personal property or services, the value of which shall be determined by the Secretary.

"(c) There is authorized to be appropriated $20,000,-

000 to carry out the provisions of this section, which sum shall be available until expended."

SEC. 103. (a) Redesignated section 16 of the Federal Water Pollution Control Act, as amended, is amended to read as follows:

"COOPERATION BY ALL FEDERAL AGENCIES IN THE CONTROL OF POLLUTION

"SEC. 16. (a)(1) Each Federal agency having jurisdiction over any real property, facility or activity of any kind, shall, consistent with an approved plan for implementation, insure compliance with applicable water quality standards and the purposes of this Act in the administration of such property, facility, or activity. In his summary of any conference pursuant to section 10(d)(4) of this Act, the Secretary shall include references to any discharges allegedly contributing to pollution from any such Federal property, facility, or activity, and shall transmit a copy of such summary to the head of the Federal agency having jurisdiction of such property, facility, or activity. Notice of any hearing pursuant to section 10(f) of this Act involving any pollution alleged to be effected by any such discharges shall also be given to the Federal agency having jurisdiction over the property, facility, or activity involved, and the findings and recommendations of the hearing board conducting such hear-

ing shall include references to any such discharges which are contributing to the pollution found by such board.

"(2) There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

"(b) Each Federal agency which leases any Federal property or facility of any kind or which contracts for the operation of any Federal property or facility or which contracts for the entire operation of any other facility, shall insure compliance with applicable water quality standards and the purposes of this Act in the administration of such lease or contract. Any certification obtained for a Federal license or permit pursuant to subsection (c) shall be evidence of compliance with water quality standards for the purposes of this subsection.

"(c)(1) Any applicant for a Federal license or permit to construct or operate any facility or to conduct any activity which may result in any discharge into the navigable waters of the United States shall provide certification from the State in which the discharge originates or, if appropriate, the interstate water pollution control agency to the licensing or permitting agency and notice thereof to the Secretary that there is reasonable assurance that such facility or activity will comply with applicable water quality standards, except that in

any case where standards for interstate water have not been approved or where such standards have been promulgated by the Secretary pursuant to section 10(c) of this Act, such certification shall be obtained from the Secretary. Such State or if appropriate interstate agency or the Secretary shall, within one year of receipt of any application for such certification and after providing an opportunity to interested persons for a public hearing, notify the applicant of such certification or of intent not to certify. Whenever such discharge may affect, as determined by the Secretary, the applicable water quality standards of any other State or States, the Secretary, within sixty days of the date of notice of application for a Federal license or permit shall notify such other State or States. If, within thirty days after receipt of such notification, such other State or States determine that such discharge will adversely affect their water quality standards, the Secretary, within thirty days after the State or States make such determination, shall review such determination and, if he finds that such discharge will adversely affect the water quality standards of such State or States, shall require before such license or permit is issued such conditions as may be necessary to insure compliance with applicable water quality standards. No license or permit shall be granted without such certification and such conditions as the State or, as appropriate, the interstate agency or, as appropriate, the

Secretary may reasonably require, including, but not limited to, provision for suspension or termination of any issued license or permit for failure to be in compliance with applicable water quality standards. In any case where such conditions required by the Secretary are more stringent than, or in conflict with conditions required by the certifying State or, if appropriate, interstate agency, the licensing or permitting agency, upon request of the applicant for a license or permit, shall hold a hearing and make findings of fact on the conditions to be included in any license or permit, except that no such findings shall be adopted that are less stringent than the conditions required by the certifying State. The licensee or permittee shall provide the certifying State or, if appropriate, the interstate agency, or the Secretary, with notification of any changes in the proposed facility or activity which may affect applicable water quality standards.

"(2) The certification obtained pursuant to paragraph (1) of this subsection shall fulfill the requirements of this subsection with respect to any other Federal license or permit required for such facility or activity, unless, after notice of application for such other Federal license or permit has been given by such Federal agency, the State or, if appropriate, the interstate agency or the Secretary, notifies within sixty days after receipt of such notice such Federal agency of a change since providing such certification in (A) the nature of

the activity, (B) the design of the facility, (C) the natural characteristics of the waters into which such discharge is made, or (D) the water quality standards applicable to such waters, and that, due to such change, there is no longer reasonable assurance that there will be compliance with applicable water quality standards.

"(3) Prior to the operation of any federally licensed or permitted facility or activity, not subject to a Federal operating license or permit, the licensee or permittee shall provide an opportunity for such certifying State and, if appropriate, the interstate agency or the Secretary to review the manner in which the facility or activity shall be operated or conducted for the purposes of assuring compliance with applicable water quality standards. Upon notification by the certifying State or, if appropriate, the interstate agency or the Secretary that the operation of any federally licensed or permitted facility or activity will not comply with applicable water quality standards, such Federal agency shall suspend such license or permit until notification is received that there is reasonable assurance that such facility or activity will comply with applicable water quality standards.

"(4) Upon notification by the Governor of the certifying State, or, as appropriate, the interstate agency or the Secretary, that any such federally licensed or permitted facility or activity has been found by a court of competent jurisdic-

tion, pursuant to applicable State or Federal law, to be in violation of the applicable water quality standards such license or permit may be suspended or terminated as the circumstances require.

"(5) No Federal agency shall be deemed to be an applicant for the purposes of this subsection.

"(6) In any case where actual construction of a facility for the conduct of any activity has been commenced pursuant to a Federal license or permit prior to the date of enactment of the Water Quality Improvement Act of 1969, no certification under this subsection shall be required for any Federal operating license or permit respecting that activity issued within three years following such date: Provided, That any operating license or permit issued during the three-year period following such date of enactment without such certification shall terminate at the end of that period unless prior to such date the licensee or permittee submits to the Federal agency that issued such license or permit a certification which otherwise meets the requirements of paragraph (1) of this subsection.

"(7) Except as provided in paragraph (6), any application for a license or permit that is (a) pending on the date of enactment of the Water Quality Improvement Act of 1969 and (b) that is issued within one year following the date of enactment shall not require certification pursuant to this sub-

section for one year following the issuance of such license or permit: Provided, That any such license or permit issued shall terminate at the end of one year unless prior to that time the licensee or permittee submits to the Federal agency that issued such license or permit a certification which otherwise meets the requirements of this subsection.

"(8)(A) In the case of any activity which will affect water quality but for which there are no applicable water quality standards, no certification shall be required under this subsection, except that the licensing or permitting agency shall impose, as a condition of any license or permit, a requirement that the licensee or permittee shall comply with the purposes of this Act.

"(B) Upon notice from the State in which the discharge originates or, as appropriate, the interstate agency or the Secretary, that such licensee or permittee has been notified of the adoption of water quality standards applicable to such activity and has failed, after reasonable notice, of not less than six months, to comply with such standards, the license or permit shall be suspended until notification is received from such State or interstate agency or the Secretary that there is reasonable assurance that such activity will comply with applicable water quality standards.

"(d) Nothing in this section shall be construed to limit the authority of any department or agency pursuant to any

other provision of law to require compliance with applicable water quality standards. The Secretary shall, upon the request of any Federal department or agency, or State or interstate agency, or applicant, provide, for the purpose of this section, any relevant information on applicable water quality standards, and shall, when requested by any such department or agency or State or interstate agency, or applicant, comment on any methods to comply with such standards.

"(e) In order to implement the provisions of this section, the Secretary of the Army, acting through the Chief of Engineers, is authorized, if he deems it to be in the public interest, to permit the use of spoil disposal areas under his jurisdiction by Federal licensees or permittees, and to make an appropriate charge for such use. Moneys received from such licensees or permittees shall be deposited in the Treasury as miscellaneous receipts."

SEC. 104. Section 5 of the Federal Water Pollution Control Act, as amended, is amended as follows:

(1) by amending paragraph (2) of subsection (a) to read as follows:

"(2) make grants-in-aid to public or private agencies and institutions and to individuals for research and demonstrations, and provide for the conduct of research and demonstrations by contract with public or private agencies and institutions and with individuals without

regard to section 3648 and 3709 of the Revised Statutes; and";

(2) by changing the semicolon at the end of paragraph (3) of subsection (a) to a period and striking paragraphs (4) and (5);

(3) by striking out subsection (g) and inserting the provisions of such subsection in section 21 in lieu of the provisions in subsection (b) thereof, except that in paragraph (4) of such inserted provisions, strike out "and June 30, 1969" and insert in lieu thereof "June 30, 1969, and June 30, 1970";

(4) by redesignating subsection (h) as subsection (l), and by adding the following new subsections after subsection (f):

"(g)(1) For the purpose of providing an adequate supply of trained personnel to operate and maintain existing and future treatment works and related activities, and for the purpose of enhancing substantially the proficiency of those engaged in such activities, the Secretary shall finance a pilot program, in cooperation with State and interstate agencies, municipalities, educational institutions, and other organizations and individuals, of manpower development and training and retraining of persons in, or entering into, the field of operation and maintenance of treatment works and related activities. Such program and any funds expended

for such a program shall supplement, not supplant, other manpower and training programs and funds available for the purposes of this paragraph. The Secretary is authorized, under such terms and conditions as he deems appropriate, to enter into agreements with one or more States, acting jointly or severally, or with other public or private agencies or institutions for the development and implementation of such a program.

"(2) The Secretary is authorized to enter into agreements with public and private agencies and institutions, and individuals to develop and maintain an effective system for forecasting the supply of, and demand for, various professional and other occupational categories needed for the prevention, control, and abatement of water pollution in each region, State, or area of the United States and, from time to time, to publish the results of such forecasts.

"(3) In furtherance of the purposes of this Act, the Secretary is authorized to—

"(A) make grants to public or private agencies and institutions and to individuals for training projects, and provide for the conduct of training by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes;

"(B) establish and maintain research fellowships

in the Department of the Interior with such stipends and allowances, including traveling and subsistence expenses, as he may deem necessary to procure the assistance of the most promising research fellowships; and

"(C) provide, in addition to the program established under paragraph (1) of this subsection, training in technical matters relating to the causes, prevention, and control of water pollution for personnel of public agencies and other persons with suitable qualifications.

"(4) The Secretary shall submit, through the President, a report to the Congress by September 30, 1970, summarizing the actions taken under this subsection and the effectiveness of such actions, and setting forth the number of persons trained, the occupational categories for which training was provided, the effectiveness of other Federal, State, and local training programs in this field, together with estimates of future needs, recommendations on improving training programs, and such other information and recommendations, including legislative recommendations, as he deems appropriate.

"(h) The Secretary is authorized to enter into contracts with, or make grants to, public or private agencies and organizations and individuals for (A) the purpose of developing and demonstrating new or improved methods for the prevention, removal, and control of natural or manmade pollution

in lakes, including the undesirable effects of nutrients and vegetation, and (B) the construction of publicly owned research facilities for such purpose.

"(i) The Secretary shall—

"(A) engage in such research, studies, experiments, and demonstrations as he deems appropriate relative to the removal of oil from any waters and to the prevention and control of oil pollution;

"(B) publish from time to time the results of such activities; and

"(C) by June 30, 1970, develop and publish standardized specifications and other technical information on the various chemical compounds used as dispersants or emulsifiers in the control of oil spills.

In carrying out this subsection, the Secretary may enter into contracts with, or make grants to, public or private agencies and organizations and individuals.

"(j)(1) The Secretary shall, after consultation with appropriate local, State, and Federal agencies, public and private organizations, and interested individuals, as soon as practicable but not later than two years after the effective date of this subsection, develop and issue to the States for the purpose of adopting standards pursuant to section 10(c) criteria reflecting the latest scientific knowledge useful in indicating the kind and extent of effects on health and wel-

fare which may be expected from the presence of pesticides in the water in varying quantities. He shall revise and add to such criteria whenever necessary to reflect developing scientific knowledge.

"(2) For the purpose of assuring effective implementation of standards adopted pursuant to paragraph (1) the Secretary shall, in consultation with appropriate local, State, and Federal agencies, public and private organizations, and interested individuals, conduct a study and investigation of methods to control the release of pesticides into the environment which study shall include examination of the persistency of pesticides in the water environment and alternatives thereto. The Secretary shall submit a report on such investigation to Congress together with his recommendations for any necessary legislation within two years after the effective date of this subsection.

"(k) In carrying out the provisions of this section relating to the conduct by the Secretary of demonstration projects and the development of field laboratories and research facilities, the Secretary may acquire land and interests therein by purchase, with appropriated or donated funds, by donation, or by exchange for acquired or public lands under his jurisdiction which he classifies as suitable for disposition. The values of the properties so exchanged either shall be approximately equal, or if they are not approxi-

mately equal, the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require."; and

(5) by amending the first sentence of redesignated subsection (k) to read as follows: "There is authorized to be appropriated to carry out this section, other than subsection (g) (1) and (2), not to exceed $65,000,000 annually for the fiscal years ending June 30, 1969, June 30, 1970, and June 30, 1971. There is authorized to be appropriated to carry out subsection (g)(1) of this section $5,000,000 for the fiscal year ending June 30, 1970, and $7,500,000 for the fiscal year ending June 30, 1971. There is authorized to be appropriated to carry out subsection (g)(2) of this section $2,500,000 annually for the fiscal years ending June 30, 1970, and June 30, 1971.".

SEC. 105. Section 6 of the Federal Water Pollution Control Act, as amended, is amended—

(1) by changing in subsection (e)(1) the word "three" to "five"; and

(2) by changing in subsection (e) (2) and (3) the word "two" to "four".

SEC. 106. Section 8(c) of the Federal Water Pollution Control Act is amended in the fourth sentence by inserting after "because of lack of funds" the following: "or for the

purpose of making reimbursements pursuant to the sixth and seventh sentences of this subsection, or both".

SEC. 107. Redesignated section 19 of the Federal Water Pollution Control Act, as amended, is amended by deleting the following: "the Oil Pollution Act, 1924, or".

SEC. 108. Section 10 of the Federal Water Pollution Control Act, as amended, is amended by adding in subsection (c)(3) the word "navigation," immediately following "industrial," in the second sentence.

SEC. 109. The Oil Pollution Act, 1924 (43 Stat. 604), as amended (80 Stat. 1246–1252), is hereby repealed.

SEC. 110. Section 1705(h) of Public Law 90–448 is amended by striking the word "or" where it appears before the word "dormitory" and by inserting after the word "dormitory" the following: ", water, or sewer".

TITLE II—ENVIRONMENTAL QUALITY

SEC. 201. This title may be cited as the "Environmental Quality Improvement Act of 1969".

FINDINGS, DECLARATIONS, AND PURPOSES

SEC. 202. (a) The Congress finds—

(1) that in the pursuit of social and economic advancement man has caused changes in the environment;

(2) that the degree of such changes endangers a

harmonious relationship between man and his environment;

(3) that population increases and urban concentration contribute directly to pollution and the degradation of our environment, increasing the severity of the physical, social, psychological, and economic problems of our society; and

(4) that changes in the environment should be restricted, insofar as possible, to avoid adverse effects on man, other species and the environment itself.

(b) The Congress declares that there is a national policy for the environment ennunciated in laws relating to air, water and land pollution which—

(1) provides for the enhancement of the quality of our air, water, and land environment;

(2) recognizes the primary responsibility for implementation of this policy rests with State and local governments; and

(3) encourages and supports implementation of this policy through appropriate regional organizations.

(c) The purposes of this title are—

(1) to assure that each Federal department or agency conducting or supporting public works activities which affect the environment shall implement the policies

established under existing law and by the President pursuant to this title; and

(2) to authorize and to provide staff for an Office of Environmental Quality.

OFFICE OF ENVIRONMENTAL QUALITY

SEC. 203 (a) There is established in the Executive Office of the President an office to be known as the Office of Environmental Quality (herein referred to as the "Office"). There shall be in the Office a Director and a Deputy Director who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) The compensation of the Director and the Deputy Director shall be fixed by the President at a rate not in excess of the annual rate of compensation payable to the Director and the Deputy Director of the Bureau of the Budget.

(c) The Director is authorized to employ such officers and employees as may be necessary to enable the Office to carry out its functions under this title.

(d) In carrying out the provisions of this section the Director shall—

(1) provide assistance to the President on policies and programs of the Federal Government, including review of existing and proposed projects, facilities and activities, which affect environmental quality, and recommended priorities thereon;

(2) provide staff and support for any board, council or committee established by the President or authorized by the Congress to coordinate Federal activities which affect policies and programs established to protect and enhance environmental quality;

(3) review the adequacy of existing systems for monitoring and predicting environmental changes in order to achieve effective coverage and efficient use of research facilities and other resources;

(4) promote advancement of scientific knowledge of the effects of actions and technology on the environment and encourage the development of the means to prevent or reduce adverse effects that endanger the health and well-being of man;

(5) assure evaluation of new and changing technologies for their potential effects on the environment prior to their implementation;

(6) review and comment on the coordination of the programs and activities of Federal departments and agencies which affect, protect, and improve environmental quality;

(7) review and comment on the development and interrelationship of environmental quality criteria and standards established through the Federal Government;

(8) collect, collate, analyze, and interpret data and information on environmental quality and issue reports thereon, as he deems appropriate;

(9) develop and maintain an inventory of existing and future natural resource development projects, engineering works, and other major projects and programs contemplated or planned by public or private agencies or organizations which make significant modifications in the natural environment;

(10) establish a system of collecting and receiving information and data on ecological research and evaluations which are in progress or are planned by other public or private agencies or organizations, or individuals; and

(11) perform such other duties and functions as directed by the President.

(e) In carrying out the provisions of this section, the Director is authorized to contract with public or private agencies, institutions, and organizations, and with individuals, without regard to section 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5) for research and surveys regarding any potential or existing problem of environmental quality.

EFFECT ON EXISTING AUTHORIZATIONS

SEC. 204. The policies and goals set forth in this title

are supplementary to existing authorizations of Federal agencies.

AUTHORIZATION

SEC. 205. There are hereby authorized to be appropriated for the fiscal year beginning July 1, 1969, and for each of five succeeding fiscal years, such amounts as may be necessary for the purposes of this title.

TITLE III—PROPERTY ACQUISITION

SEC. 301. (a)(1) The Architect of the Capitol, under the direction of the Senate Office Building Commission, is hereby authorized to acquire on behalf of the United States, in addition to the real property heretofore acquired as a site for an additional office building for the United States Senate under the provisions of the Second Deficiency Appropriation Act, 1948, approved June 25, 1948 (62 Stat. 1028) and Public Law 85-591, approved August 6, 1958 (72 Stat. 495-496), by purchase, condemnation, transfer, or otherwise, for purposes of extension of such site, all publicly, or privately owned property contained in lots 863, 864, 892, 893, 894, and 905 in said square 725 in the District of Columbia, and all alleys or parts of alleys and streets contained within the curblines surrounding such square, as such square appears on the records in the Office of the Surveyor of the District of Columbia as of the date of enactment of this Act.

(2) Any proceeding for condemnation brought under paragraph (1) shall be conducted in accordance with the Act of December 23, 1963 (16 D.C. Code, secs. 1351–1368).

(3) Notwithstanding any other provision of law, any real property owned by the United States and any alleys or parts of alleys and streets contained within the curblines surrounding square 725 shall, upon request of the Architect of the Capitol, made with the approval of the Senate Office Building Commission, be transferred to the jurisdiction and control of the Architect of the Capitol, and any alleys or parts of alleys or streets contained within the curblines of said square shall be closed and vacated by the Commissioner of the District of Columbia in accordance with any request therefor made by the Architect of the Capitol with the approval of such Commission.

(4) Upon acquisition of any real property pursuant to this section, the Architect of the Capitol, when directed by the Senate Office Building Commission to so act, is authorized to provide for the demolition and/or removal of any buildings or other structures on, or constituting a part of, such property and, pending demolition, to use the property for Government purposes or to lease any or all of such property for such periods and under such terms and conditions as he may deem most advantageous to the United States and to incur any necessary expenses in connection therewith.

(5) The jurisdiction of the Capitol Police shall extend over any real property acquired under this section and such property shall become a part of the United States Capitol Grounds.

(b) For carrying out the purposes of this section, there is hereby authorized to be appropriated $1,250,000. The Architect of the Capitol, under the direction of the Senate Office Building Commission, is authorized to enter into contracts and to make such expenditures, including expenditures for personal and other services, as may be necessary to carry out the purposes of this section.

TITLE IV—ALASKA VILLAGE SAFE WATER FACILITIES

SEC. 401. The Federal Water Pollution Control Act is amended further by inserting at the end thereof a new section as follows:

"ALASKA VILLAGE SAFE WATER FACILITIES

"SHORT TITLE

"SEC. 23. (a) This section may be cited as the 'Alaska Safe Water Facilities Act'.

"FINDINGS OF FACT

"(b) The Congress hereby finds and declares that—

"(1) in numerous villages in the State of Alaska there are presently no facilities for the provision of safe water and hygienic sewage disposal;

"(2) because of the absence of such water and sewage facilities in such villages and the attendant insanitary conditions stemming from such absence, there is a widespread incidence of sickness and disease which is responsible for serious, and in some instances, permanent impairment or even death to the residents of such villages; and

"(3) it is the responsibility of the Federal Government, in providing for the health and general welfare of Indian and native Alaskan citizens of the United States, to take appropriate measures to protect the lives and health of residents of such villages by enabling them to enjoy the benefits of safe water and hygienic sewage disposal facilities.

"DECLARATION OF POLICY

"(c) It is therefore the policy of this section to establish a special emergency program designed to provide safe water and hygienic sewage disposal facilities in Alaskan villages which presently do not have such facilities.

"PROVISION OF FACILITIES

"(d)(1) In order to provide safe water and hygienic sewage disposal facilities in villages in Alaska which presently do not have such facilities, the Secretary of the Interior (hereinafter in this section referred to as the 'Secretary') is authorized to institute and carry out a program designed to

provide for the installation of such safe water and hygienic sewage disposal facilities in Alaskan villages as are necessary to assure that there will be at least one facility for safe water and hygienic sewage disposal in each village.

"(2)(A) Any facility constructed under this subsection shall be available for use by the general public and be housed in a suitable structure, designed to assure year-round use of such facility, and shall include, at a minimum, a source of clean water (such as a well with pumping facilities or utilization of surface water treated so it is safe and healthy for use), shower bath facilities, an adequate means of hygienic sewage disposal, and facilities for the washing of clothes. The building housing any such facility shall, if the Secretary determines it to be feasible and appropriate, also contain suitable quarters to be used as a community health service office.

"(B) The location of any facility constructed under this subsection shall be determined after consultation with the village council (or other comparable governing body) of the village in which such facility is located, as well as with appropriate public agencies (such as, but not limited to, the Alaska State Housing Authority and the Federal Field Committee for Development Planning in Alaska), in order to achieve maximum coordination in public development plans and activities affecting the community in which the facility is to serve.

"(3)(A) The Secretary shall provide for the construction of facilities under this subsection in the most expeditious manner feasible, and is authorized to provide for such construction by contract or through grants to public agencies or private nonprofit organizations, or otherwise. No contribution toward the cost of the construction of a facility will be required from the users thereof.

"(B) Payments of any grants made under this subsection may be made in advance or by way of reimbursement and subject to such conditions as the Secretary may impose to assure that the purposes of this section will be properly carried out.

"(C) In the construction of any facility under this subsection, there shall be utilized to the maximum extent feasible workmen from the village in which such facility is being constructed.

"(4) It shall be the responsibility of the village council (or other comparable village governing body) to maintain and operate the safe water and hygienic sewage disposal facility constructed therein under this subsection, and, upon completion of such facility, the Secretary shall execute such transfers of title as may be necessary to vest complete ownership of such facility in such council or body. The Secretary shall not construct under this subsection any facility in any village unless he first receives satisfactory assurances from

the village council (or other comparable governing body) thereof that such council or body will, upon completion of such facility, accept ownership thereof and will accept responsibility for the operation and maintenance thereof.

"(5) For purposes of carrying out the provisions of this subsection, there is authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1970, and such sums as may be necessary for each of the next three fiscal years thereafter. Funds appropriated for any fiscal year under this paragraph shall remain available until expended and be utilized for both construction of the facilities and for the engineering and administrative costs necessary to design and plan such construction.

"(e)(1) The Secretary shall conduct through the health aide, in each community wherein there is located a safe water and hygienic sewage disposal facility provided under subsection (d), an appropriate educational and informational program designed to familiarize the residents of such community as to the health advantages to be achieved by their full utilization of such facility.

"(2) Whenever the Secretary determines that the village council (or comparable governing body), which has accepted ownership and responsibility for operation and maintenance of a facility provided under subsection (d), has financial resources which (when combined with the financial

assistance available to it from the village, State, or other sources) are less than the amount necessary to enable such council or body properly to operate and maintain such facility, then the Secretary may make grants to such council or body in amounts which (when combined with the amounts available from other sources) will be sufficient to enable such council or body properly to operate and maintain such facility.

"(f) The Secretary of the department actually administering the provisions of this section shall for the fiscal year which ends June 30, 1970, and for each of the succeeding three fiscal years, submit to the Congress a full and complete report of the activities undertaken pursuant to the authority contained in this section, which report shall indicate each of the villages wherein safe water and hygienic sewage disposal facilities under subsection (d) have been established, the extent to which such facilities are being utilized, and the contribution made toward such utilization by the educational and informational program established pursuant to subsection (e)(1). The report of such Secretary for the fiscal year ending June 30, 1970, shall be submitted not later than July 30, 1970, and the report for each of the three succeeding fiscal years shall be submitted not later than the July 30 which immediately follows the close of such fiscal year.

"(g) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1970, and for each succeeding fiscal year, such sums as may be necessary to carry out the provisions of subsections (e) and (f) of this section.

"(h) In order to prevent duplication of effort and to promote economy of administration, the Secretary shall to the maximum extent feasible utilize the facilities of the Department of Health, Education, and Welfare or the facilities of other appropriate public agencies in the administration of the provisions of this section."

Amend the title so as to read: "An Act to amend the Federal Water Pollution Control Act, to establish an Office of Environmental Quality, to provide for certain property acquisition, and for other purposes."

Passed the House of Representatives April 16, 1969.

Attest: W. PAT JENNINGS,

Clerk.

Passed the Senate with amendments October 8 (legislative day October 7), 1969.

Attest: FRANCIS R. VALEO,

Secretary.

91ST CONGRESS
1ST SESSION

H. R. 4148

AN ACT

To amend the Federal Water Pollution Control Act, as amended, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 8 (legislative day, OCTOBER 7), 1969

Ordered to be printed with the amendments of the Senate

Oct. 9, 1969

HOUSE

1. AGRICULTURAL APPROPRIATIONS. Conferees were appointed on H. R. 11612, the agricultural appropriations bill, and a motion by Rep. Conte to instruct the conferees to insist on limitation of subsidy payments to $20,000 was rejected, 181-177 (pp. H9321-2). **Senate conferees have been appointed.**

2. MARKETING; PRODUCTION RESEARCH. The "Daily Digest" states that an Agriculture subcommittee approved for full committee action H. R. 8536, to authorize production research under marketing agreement and order programs; a motion to report H. R. 9655, the honey promotion and research bill was rejected but the bill will probably come up for reconsideration at the next meeting; and that the subcommittee also considered H. R. 10710, the production research and advertising bill, but deferred action on it. p. D928

3. COTTON. Rep. Findley disagreed with this Department's statistics on the snapback provision of the cotton program. p. H9320

4. WATER POLLUTION. Conferees were appointed on H. R. 4148, to amend the Federal Water Pollution Control Act (p. H9353). **Senate conferees have been appointed.**

5. TAX REFORM. Rep. Patman inserted the text of his remarks given before the Senate Finance Committee on H. R. 13270, the tax reform bill. pp. H9386-90

6. LEGISLATIVE PROGRAM. Rep. Albert announced that H. R. 13000, the Federal salary comparability bill will be considered beginning Tuesday, also that H. R. 4293, the export control bill will be considered next week; and that conference reports may be brought up any time. p. H9353

7. ADJOURNED until Mon., Oct. 13. p. H9391

SENATE

8. EDUCATION. Both Houses received the President's second annual report of the National Advisory Committee on Adult Basic Education (H. Doc. 91-176). pp. S12212, H9353

   The Labor and Public Welfare Committee voted to report (but did not actually report) S.338, relating to educational assistance rate increases, flight-training loans, and farm training programs (amended). p. D927

   Sen. Murphy inserted a letter from the Baltimore City public schools urging enactment of the proposed Urban and Rural Education Act. p. S12276

9. CREDIT. A subcommittee of the Banking and Currency Committee approved for full committee consideration S. 823, to enable consumers to protect themselves against arbitrary, erroneous, and malicious credit information. p. D926

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY; NOT TO BE QUOTED OR CITED)

Issued October 10, 1969
For actions of October 9, 1969
91st-1st No. 165

CONTENTS

Adjournment.....7,20
Agribusiness.....16
Agricultural appropriations 1
Agricultural commodities 35
Appropriations.....1,22
Beef prices.....24
Budget.....11
Consumers.....9,24
Cooperatives.....38
Cotton.....3
Credit.....9
Economy.....15,30
Education.....8
Electrification.....17
Executive papers.....40
Export control.....6,31
Farm economic research.....26
Farm income.....1,35
Farm training.....8
Fisheries.....34
Flood control.....39
Foreign agriculture....26
Foreign trade....6,31,37
Grapes.....27
Historic properties....43
Honey.....2
Horses.....36
Lands.....14
Legislative program.....6
Legislative reports....41
Marketing.....2,12,38
Mink.....31
Pay comparability.....6
Pesticides.....27
Plenty.....29
Population.....13
Potatoes.....12
Poultry.....16
Production research....2,12
Property.....
Records.....
Redwood trees.....25
Rice.....23
Rural development.....28
Safety.....33
Snapback provision.....3
Social security.....19
Subsidy payments.....1
Tax reform.....5,10
Textiles.....37
Water pollution.....4,21
Water resources.....42,45
Watersheds.....18
Weather.....32
Wilderness.....44

HIGHLIGHTS: House conferees were appointed on agricultural appropriations bill; motio to instruct conferees to limit subsidy payments was rejected. House subcommittee approved production research under marketing agreement and order programs bill.

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to the provisions of House Resolution 526, the Committee on Interstate and Foreign Commerce is discharged from the further consideration of the bill S. 1242.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Motion offered by Mr. STAGGERS: Strike all after the enacting clause of the bill S. 1242 and insert in lieu thereof the provisions of H.R. 7737, as passed, as follows:

"That this Act may be cited as the 'Educational Television and Radio Amendments of 1969'.

"THREE-YEAR AUTHORIZATION FOR PUBLIC BROADCASTING FACILITIES

"SEC. 2. (a) Section 391 of the Communications Act of 1934 (47 U.S.C. 391) is amended by inserting after the second sentence the following new sentence: 'There are also authorized to be appropriated for the fiscal year ending June 30, 1971, and for each of the two succeeding fiscal years, $15,000,000 per fiscal year.'

"(b) The last sentence of such section is amended by striking out 'July 1, 1971' and inserting in lieu thereof 'July 1, 1974'.

"ONE-YEAR EXTENSION OF FINANCING OF CORPORATION FOR PUBLIC BROADCASTING

"SEC. 3. (a) Paragraph (1) of subsection (k) of section 396 of the Communications Act of 1934 (47 U.S.C. 396) is amended by inserting ', and for the next fiscal year the sum of $20,000,000' after '$9,000,000'.

"(b) Paragraph (2) of such subsection is amended by inserting 'or the next fiscal year' after 'June 30, 1969,'."

The SPEAKER pro tempore. The question is on the motion of the gentleman from West Virginia (Mr. STAGGERS).

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 7737) was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

ADJOURNMENT TO MONDAY, OCTOBER 13, 1969

Mr. MOSS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 4148, TO AMEND THE FEDERAL WATER POLLUTION CONTROL ACT

Mr. JONES of Alabama. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4148) to amend the Federal Water Pollution Control Act, as amended, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama? The Chair hears none, and, without objection, appoints the following conferees: Messrs. BLATNIK, JONES of Alabama, WRIGHT, FALLON, CRAMER, HARSHA, and GROVER.

There was no objection.

LEGISLATIVE PROGRAM FOR WEEK OF OCTOBER 13

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the remainder of this week and the schedule for next week.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the distinguished majority leader.

Mr. ALBERT. I appreciate the indulgence of the Chair, because we have other matters to take care of immediately.

There is no further program for today.

Monday is District Day, but there are no District bills. Monday is also Columbus Day, and we will not program any legislative business on Monday.

For Tuesday and the balance of the week:

H.R. 13000, Federal Salary Comparability Act of 1969, with an open rule and 2 hours of debate.

H.R. 14127, to carry out the recommendations of the Joint Commission on the Coinage, with an open rule, 2 hours of debate.

H.R. 4293, Export Control Act extension, with an open rule and 1 hour of debate.

This announcement is made subject to the usual reservation that conference reports may be brought up at any time and any further program may be announced later, and I would say to the Members that we can certainly expect some conference reports during the course of next week.

I thank the gentleman.

Mr. GERALD R. FORD. Mr. Speaker, I thank the gentleman and I yield back the balance of my time.

SECOND ANNUAL REPORT OF NATIONAL ADVISORY COMMITTEE ON ADULT BASIC EDUCATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91–176)

The SPEAKER pro tempore laid before the House the following message from the President of the United States:

To the Congress of the United States:

I transmit herewith the Second Annual Report of the National Advisory Committee on Adult Basic Education.

Adult basic education plays a vital role in making our democratic society viable and rewarding to all its members. Teaching the adult to read, write, and speak well leads to expanded job opportunities, enhanced self-esteem, a better home environment for school children and increased civic responsibility.

To help meet the needs for adult basic education, the National Advisory Committee has been reviewing the administration and effectiveness of the Adult Basic Education Program in the Office of Eduction and fifteen other federally supported programs which have adult basic education components. The Report describes this review and makes several recommendations concerning the Federal effort to serve the education needs of the more than 20 million adult Americans who have less than an eighth-grade education.

I have asked the Council for Urban Affairs, which has a special committee on education, to review these and other recommendations of the National Advisory Committee carefully, and to seek ways to improve the performance and coordination of all Federal adult basic eduction programs.

RICHARD NIXON.

THE WHITE HOUSE, *October 9, 1969.*

The message, together with the accompanying papers, was, without objection, referred by the Speaker pro tempore (Mr. BOLLING), to the Committee on Education and Labor and ordered to be printed.

PERSONAL ANNOUNCEMENT OF COSPONSORS OF HOUSE JOINT RESOLUTION 927 PROVIDING FOR FUNDING OF HEALTH, EDUCATION, AND WELFARE

Mr. COHELAN. Mr. Speaker, I rise to correct an error in the sponsorship of House Joint Resolution 927 which provided for the funding of Health, Education, and Welfare under a continuing resolution at the House-passed levels. The name of the Honorable MICHAEL J. KIRWAN, of Ohio, appears as a cosponsor of this resolution. I have been informed that Mr. KIRWAN's name was incorrectly added to the list of cosponsors and I ask unanimous consent that the RECORD stand corrected.

The SPEAKER pro tempore. The gentleman's statement will appear in the RECORD. There is no way of correcting the resolution.

PERSONAL EXPLANATION

Mr. STEIGER of Wisconsin. Mr. Speaker, on rollcall No. 212 I was unable to be present due to a speaking engagement at the Brookings Institute.

Had I been present, I would have voted "no" on the motion to table the motion of the gentleman from Massachusetts (Mr. CONTE) to instruct the agriculture appropriation conferees.

DOMESTIC FINANCE SUBCOMMITTEE TO CONSIDER FIELD HEARINGS ON THE STATE OF THE ECONOMY

(Mr. PATMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PATMAN. Mr. Speaker, it is essential that the Congress keep in touch with the grassroots thinking of America.

Your Committee on Banking and Currency has received many hundreds of letters from consumers, homebuilders, small businessmen, and others concerning their economic problems. As chairman of the Committee on Banking and Currency, in answering these letters, I have indicated that if the demand is sufficient, the committee would make it possible for these local grassroots people to present their views to the committee in their own or nearby cities and towns. With this thought in mind, I have called for a meeting of the Domestic Finance Subcommittee on October 23 to discuss this matter and, as indicated, if the demand exists, to plan for a tour which will possibly include many areas of the Nation.

It will be our intention, Mr. Speaker, to listen to the views of the people on the key economic questions that are under the jurisdiction of the House Committee on Banking and Currency, questions involving such issues as high interest rates which fuel inflation, tight money, consumer prices, home construction and home mortgage credit, and like subjects. As we all know, most people find it difficult—if not impossible—to come to Washington to present their views to the Congress. As a result, we too often get only the so-called experts' opinion on these issues. And the ideas of these experts do not always coincide with those of the people.

Mr. Speaker, I believe the demand for these field trips is self-evident. In my opinion, these field trips will demonstrate that the Congress wants the views of the people. At the same time, it will enable the Banking and Currency Committee to view some of the serious economic problems firsthand and to collect information that is essential to the committee's legislative jurisdiction and responsibility. The concern of the people about high interest rates, inflation and other issues is real and it is vital that the Congress do everything possible to come up with solutions to these severe problems.

It would be my intention, based on additional requests from the field, to conduct this field trip as soon as possible. Every attempt will be made, of course, to spread these hearings geographically so that the maximum number of people may participate and express their various views.

FAILURE OF THE NIXON ADMINISTRATION TO GIVE FAVORABLE ATTENTION TO PENDING LEGISLATIVE PROPOSALS

(Mr. HELSTOSKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. HELSTOSKI. Mr. Speaker, I have had the high honor and privilege of serving on the Committee of Veterans' Affairs since coming to the Congress in 1965. Congress has a most distinguished and commendable record of bipartisanship in considering legislation affecting America's veterans and their dependents. I am absolutely certain that this excellent spirit of bipartisanship on veterans affairs will continue in the Congress.

However, Mr. Speaker, I am becoming increasingly concerned and alarmed over the failure of the Nixon administration to give favorable attention to many pending legislative proposals which have been introduced in the 91st Congress.

During the first 9 months of its life, the Nixon administration has opposed, reduced, or asked delay in passage of almost every meaningful bill on veterans matters which the House or Senate has brought to the floor for consideration. At his vacation retreat in San Clemente, Calif., on June 5, 1969, in his first public pronouncement on veterans affairs, President Nixon said:

> Veterans' benefit programs have become more than a recognition for services performed in the past, they have become an investment in the future of the veteran and his country.

Then the President announced the appointment of a study committee heavily weighted with social planners who traditionally have favored dismembering VA and switching administration of veterans health and education matters to the Department of Health, Education, and Welfare.

WHO IS RUNNING THE VA?

Appointments to the study committee raised the question in the minds of those knowledgeable in veterans affairs of "Who is going to run the VA?" was it to be HEW Secretary, Robert Finch, Mr. Patrick Moynihan of the White House domestic affairs staff, the Bureau of the Budget, or the Administrator of Veterans' Affairs?

In offering advice to newly appointed VA Administrator Don Johnson when Johnson recommended that Congress defer action on a bill to raise compensation or widows and orphans, Senator HERMAN TALMADGE, chairman of the Senate Subcommitte on Veterans Legislation said:

> There is a saying around town that if you want to kill a bill, study it to death.

TALK—NO ACTION

The contrast in what administration spokesmen and the President say and what they do, grows sharper with their every position on pending legislation. They express concern over the problems of returning Vietnam servicemen using the GI educational entitlement—on June 5, 1969, Mr. Nixon said he was shocked—but just prior to the House passing an increase in educational benefits—the one sure economic attraction to get more veterans in school—the Nixon administration on June 23, 1969, implored the Congress to "defer consideration."

VIETNAM VETS LOSING ALMOST $1 MILLION DAILY IN EDUCATION BENEFITS

Meanwhile, Vietnam veterans in school, struggling to meet inflated education and cost-of-living costs are losing almost $1 million per day in benefits.

A recent Wall Street Journal article highlighted the issue in quoting two veterans among many they surveyed. Harry Arrington, a 37-year-old Navy veteran, who left service last year and needs two or three semesters to earn a college degree put it this way:

> I'd find it virtually impossible to use now—it's something I've always wanted, but I can't make the sacrifice now. I couldn't even pay my tuition on that amount of money.

Another 22-year-old Vietnam veteran, Kenneth Walker, with a 10th grade education said:

> You can't get nothing without a high school education, but first off I have to get me some money. Right now I couldn't afford to (attend school under the GI bill.)

WHAT ABOUT HELP FOR THE "DISADVANTAGED" VETERAN?

There has been much dialog in the new administration about training the disadvantaged veteran and in seeking them out to bring them into veterans' programs. Yet, when the Congress, at Mr. Nixon's request, removed the personnel ceilings on government agencies and departments which Mr. Nixon asserted were "unworkable," he immediately had the Bureau of the Budget invoke new ceilings. As a result the VA lost 634 more positions over and above the 3,586 jobs they lost when the Nixon administration sent its revised April budget to the Congress. Three hundred and seventy-eight of the lost positions were scheduled for assignment to overworked VA contact and allied staffs which handle education and other veterans' claims. On April 1, 1969, when the new administration was recommending VA reduce its staff for claims processing, almost 600,000 pending actions and inquiries were backlogged in VA regional offices.

While these backlogs were accumulating, the workload of all facets of the VA's Department of Veterans' Benefits continued to grow as more and more servicemen poured out of service at the rate of 75,000 per month.

The increased workload in each division responsible for administering veterans' benefits is shown by these figures:

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

For actions of March 12, 1970
91st-2nd; No. 38

CONTENTS

Adjourned.....8
Budget.....2,17
Buildings.....19
Environment.....7,18
Estuaries.....3
Extension Service.....1
Farmers.....6
Farm pollution.....12
F[illegible] program.....10
Fisheries.....21
Food stamps.....11
Forest Service.....1
Inflation.....13
Interest rates.....24
Land reform.....9
Natural resources.....17
Personnel.....23
Pollution.....7,14
Postal reform.....5
Recreation.....20
Reorganization.....2
River basin.....22
SCS.....17
Supplemental appropriations.....1
Waste reclamation.....14
Water.....15
Water quality.....4
Wheatgrowers.....16

HIGHLIGHTS: House received proposed supplemental appropriations. Both Houses received President's reorganization message on Management and Budget. Rep. Obey spoke in defense of farmers. Sen. McGovern inserted article, "Farm Bargaining Problems and Prospects." Rep. Price, Tex., praised USDA's solid waste disposal efforts. Rep. Hamilton said reduced funds will limit SCS work in environmental control.

HOUSE

1. SUPPLEMENTAL APPROPRIATIONS. Received from the President H. Doc. 91-272 transmitting proposed supplemental appropriations and other provisions for 1969 and 1970. p. H1770. Included are the following items for this Department.

Extension Service: $597,000 for retirement costs for extension agents, by transfer from "Payments to States and Puerto Rico."

Forest Service: $21,000,000 for current and anticipated expenses in fighting fires in the National Forests.

See attached table for amounts for increased pay costs.

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POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

Received from the Bureau of the Budget a draft of proposed legislation to amend the act of July 22, 1969, (Second supplemental Appropriation Act of 1969), to increase the limitation on fiscal year 1970 budget outlays; to Appropriations Committee. p. H1770

2. REORGANIZATION; BUDGET. Both Houses received the President's message transmitting Reorganization Plan No. 2 or 1970, regarding the proposed reorganization of certain executive branches (H. Doc. 91-275); to Government Operations Committees. pp. H1761-3, S3579-81. The reorganization would establish a Domestic Council and an Office of Management and Budget. The President said "The Domestic Council will be primarily concerned with what we do; the Office of Management and Budget will be primarily concerned with how we do it, and how well we do it."

3. ESTUARIES. Both Houses received a report on estuary protection (H. Doc. 91-274); to S. Commerce Committee and H. Merchant Marine and Fisheries Committee. pp. H1761, S3578-9

4. WATER QUALITY. Conferees, in executive session, agreed to file a report on H. R. 4148, the proposed Water Quality Improvement Act of 1970. ~~p. D225~~

5. POSTAL REFORM. The Post Office and Civil Service Committee voted to report (but did not actually report) with an amendment, substituting entirely new language, H. R. 4, the postal reform bill. p. D225

6. FARMERS. Rep. Obey expressed concern because "there seems to be a growing misunderstanding, and lack of appreciation--by the public and the present administration--for the role America's Farmers play in the growth in our country." pp. H1763-6

7. ENVIRONMENT; POLLUTION. Rep. Vanik discussed pollution control bills he has introduced and said that "The preservation of our environment begins in the neighborhoods of our community." pp. H1766-7

8. ADJOURNED until Mon., March 16. p. H1770

SENATE

9. LAND REFORM. Sen. McGee inserted an article on land reform development in VietNam p. S3615

10. FARM PROGRAM. Sen. McGovern stated that "Millions of farmers, planning independently, have not yet developed the means of bargaining with the rest of society", and he inserted an article from the Journal of Cooperative Extension. pp. S3639-

11. FOOD STAMPS. Sen. Miller set the record straight with respect to his position on the Food Stamp program, stating that he voted for the bill as it passed the Senate, and for the Senate Joint Resolution authorizing fiscal 1970 funds for the program. pp. S3621-22

12. FARM POLLUTION. Sen. Hruska, commenting on farm pollution due to runoff from cattle feedlots, stated that the problem had been attacked long ago by cattle feeders, with the increased involvement of ARS, and inserted an article detailing their success in waste control. pp. S3623-25

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
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For Actions of March 24, 1970
91st-2nd; No. 46

CONTENTS

ASCS.....5	Extension services.....6	Rural development.....6
Assistant Secretary.....7	Land grant colleges.....6	Soil conservation.....5
Consumers.....11	Land utilization.....8	Water.....3
Corporate-type farming...5	Loans.....10	Water quality.....2
Education.....1,4	Purchasing.....9	

HIGHLIGHTS: Senate agreed to and House received conference report on H. R. 4148, proposed Water Quality Improvement Act.

HOUSE

1. EDUCATION. House received the conference report on H. R. 514, to extend programs of elementary and secondary education. (H. Rept. 91-937). pp. H2285-314

2. WATER QUALITY. House received conference report on H. R. 4148, to amend the Water Pollution Control Act. (H. Rept. 91-940). pp. H2314-348

SENATE

3. WATER. Voted unanimous acceptance of the Conference Report on HR 4148, Water Quality Improvement Act. pp. S4392-4425

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
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U. S. DEPARTMENT OF AGRICULTURE

4. EDUCATION. Began consideration of Conference Rept. on HR 514 to extend programs of assistance for elementary and secondary education. pp. S4324-4383, S4386, S4392, S4426-28, S4430

5. SOIL CONSERVATION. Sen. Williams (Del.) criticized large cash payments to corporate-type farming operations, asserting that agricultural program payments should "be limited not to exceed $20,000" and he inserted tables showing ASCS payments of $60,000 and more. pp. S4316-23

6. RURAL DEVELOPMENT. Sen. Bellmon complimented Sen. Dole as rural America's loyal friend and inserted Sen. Dole's article on "The Rural Affairs Council: A New Approach to the Crisis in Rural America," in which it is stated that "Secretary Hardin has foreseen vital roles to be played by the Extension Services, the state universities and land grant colleges in helping the people develop rural America." p. S4310

7. ASSISTANT SECRETARY. Received from the Secretary of Commerce a draft proposal to authorize an additional Assistant Secretary of Commerce. p. S4286

BILLS INTRODUCED

8. LAND UTILIZATION. H. R. 16620, by Rep. Bevill, et al, to amend section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended, to authorize the Secretary of Agriculture to furnish financial assistance in carrying out plans for works of improvement for land conservation and utilization; to the Committee on Agriculture.

9. PURCHASING. H. R. 16623, by Rep. Cowger, to amend the Federal Water Pollution Control Act and the Clean Air Act in order to provide assistance in enforcing such acts through Federal procurement contract procedures; to the Committee on Public Works.

10. LOANS. H. R. 16628, by Rep. Jones of Tennessee, to amend the Truth in Lending Act to eliminate the inclusion of agricultural credit; to the Committee on Banking and Currency.

11. CONSUMERS. H. R. 16633, by Rep. Rosenthal, el al, to provide for the development of a uniform system of quality grades for consumer food products; to the Committee on Agriculture.

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COMMITTEE HEARINGS ANNOUNCEMENTS:
Freight car shortages, S. Commerce (Secretary Hardin to testify).
Environmental Quality Education, H. Education & Labor.

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91ST CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
2d Session } { No. 91-940

WATER QUALITY IMPROVEMENT ACT OF 1970

March 24, 1970.—Ordered to be printed

Mr. Fallon, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany H.R. 4148]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4148) to amend the Federal Water Pollution Control Act, as amended, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

TITLE I—WATER QUALITY IMPROVEMENT

SEC. 101. This title may be cited as the "Water Quality Improvement Act of 1970".

SEC. 102. Existing sections 17 and 18 of the Federal Water Pollution Control Act, as amended, are hereby repealed. Section 19 of such Act is redesignated as section 27. Sections 11 through 16 of such Act are redesignated as sections 21 through 26, respectively. Such Act is further amended by inserting after section 10 the following new sections:

"CONTROL OF POLLUTION BY OIL

"SEC. 11. (a) For the purpose of this section, the term—

"(1) 'oil' means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil;

"(2) 'discharge' includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying or dumping;

"(3) 'vessel' means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water other than a public vessel;

40-226 O—70——1

"(4) 'public vessel' means a vessel owned or bare-boat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce;

"(5) 'United States' means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

"(6) 'owner or operator' means (A) in the case of a vessel, any person owning, operating, or chartering by demise, such vessel, and (B) in the case of an onshore facility, and an offshore facility, any person owning or operating such onshore facility or offshore facility, and (C) in the case of any abandoned offshore facility, the person who owned or operated such facility immediately prior to such abandonment;

"(7) 'person' includes an individual, firm, corporation, association, and a partnership;

"(8) 'remove' or 'removal' refers to removal of the oil from the water and shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches;

"(9) 'contiguous zone' means the entire zone established or to be established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone;

"(10) 'onshore facility' means any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under, any land within the United States other than submerged land;

"(11) 'offshore facility' means any facility of any kind located in, on, or under, any of the navigable waters of the United States other than a vessel or a public vessel;

"(12) 'act of God' means an act occasioned by an unanticipated grave natural disaster;

"(13) 'barrel' means 42 United States gallons at 60 degrees Fahrenheit.

"(b)(1) The Congress hereby declares that it is the policy of the United States that there should be no discharges of oil into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone.

"(2) The discharge of oil into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone in harmful quantities as determined by the President under paragraph (3) of this subsection, is prohibited, except (A) in the case of such discharges into the waters of the contiguous zone, where permitted under article IV of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended, and (B) where permitted in quantities and at times and locations or under such circumstances or conditions as the President may, by regulation, determine not to be harmful. Any regulations issued under this subsection shall be consistent with maritime safety and with marine and navigation laws and regulations and applicable water quality standards.

"(3) The President shall, by regulation, to be issued as soon as possible after the date of enactment of this paragraph, determine for the purposes

of this section, those quantities of oil the discharge of which, at such times, locations, circumstances, and conditions, will be harmful to the public health or welfare of the United States, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches, except that in the case of the discharge of oil into or upon the waters of the contiguous zone, only those discharges which threaten the fishery resources of the contiguous zone or threaten to pollute or contribute to the pollution of the territory or the territorial sea of the United States may be determined to be harmful.

"(4) Any person in charge of a vessel or of an onshore facility or an offshore facility shall, as soon as he has knowledge of any discharge of oil from such vessel or facility in violation of paragraph (2) of this subsection, immediately notify the appropriate agency of the United States Government of such discharge. Any such person who fails to notify immediately such agency of such discharge shall, upon conviction, be fined not more than $10,000, or imprisoned for not more than one year, or both. Notification received pursuant to this paragraph or information obtained by the exploitation of such notification shall not be used against any such person in any criminal case, except a prosecution for perjury or for giving a false statement.

"(5) Any owner or operator of any vessel, onshore facility, or offshore facility from which oil is knowingly discharged in violation of paragraph (2) of this subsection shall be assessed a civil penalty by the Secretary of the department in which the Coast Guard is operating of not more than $10,000 for each offense. No penalty shall be assessed unless the owner or operator charged shall have been given notice and opportunity for a hearing on such charge. Each violation is a separate offense. Any such civil penalty may be compromised by such Secretary. In determining the amount of the penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the owner or operator charged, the effect on the owner or operator's ability to continue in business, and the gravity of the violation, shall be considered by such Secretary. The Secretary of the Treasury shall withhold at the request of such Secretary the clearance required by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C. 91), of any vessel the owner or operator of which is subject to the foregoing penalty. Clearance may be granted in such cases upon the filing of a bond or other surety satisfactory to such Secretary.

"(c)(1) Whenever any oil is discharged, into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone, the President is authorized to act to remove or arrange for the removal of such oil at any time, unless he determines such removal will be done properly by the owner or operator of the vessel, onshore facility, or offshore facility from which the discharge occurs.

"(2) Within sixty days after the effective date of this section, the President shall prepare and publish a National Contingency Plan for removal of oil pursuant to this subsection. Such National Contingency Plan shall provide for efficient, coordinated, and effective action to minimize damage from oil discharges, including containment, dispersal, and removal of oil, and shall include, but not be limited to—

"(A) assignment of duties and responsibilities among Federal departments and agencies in coordination with State and local agencies, including, but not limited to, water pollution control, conservation, and port authorities;

"(B) identification, procurement, maintenance, and storage of equipment and supplies;

"(C) establishment or designation of a strike force consisting of personnel who shall be trained, prepared, and available to provide necessary services to carry out the Plan, including the establishment at major ports, to be determined by the President, of emergency task forces of trained personnel, adequate oil pollution control equipment and material, and a detailed oil pollution prevention and removal plan;

"(D) a system of surveillance and notice designed to insure earliest possible notice of discharges of oil to the appropriate Federal agency;

"(E) establishment of a national center to provide coordination and direction for operations in carrying out the Plan;

"(F) procedures and techniques to be employed in identifying, containing, dispersing, and removing oil; and

"(G) a schedule, prepared in cooperation with the States, identifying (i) dispersants and other chemicals, if any, that may be used in carrying out the Plan, (ii) the waters in which such dispersants and chemicals may be used, and (iii) the quantities of such dispersant or chemical which can be used safely in such waters, which schedule shall provide in the case of any dispersant, chemical, or waters not specifically identified in such schedule that the President, or his delegate, may, on a case-by-case basis, identify the dispersants and other chemicals which may be used, the waters in which they may be used, and the quantities which can be used safely in such waters.

The President may, from time to time, as he deems advisable, revise or otherwise amend the National Contingency Plan. After publication of the National Contingency Plan, the removal of oil and actions to minimize damage from oil discharges shall, to the greatest extent possible, be in accordance with the National Contingency Plan.

"(d) Whenever a marine disaster in or upon the navigable waters of the United States has created a substantial threat of a pollution hazard to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife and the public and private shorelines and beaches of the United States, because of a discharge, or an imminent discharge, of large quantities of oil from a vessel the United States may (A) coordinate and direct all public and private efforts directed at the removal or elimination of such threat; and (B) summarily remove, and, if necessary, destroy such vessel by whatever means are available without regard to any provision of law governing the employment of personnel or the expenditure of appropriated funds. Any expense incurred under this subsection shall be a cost incurred by the United States Government for the purposes of subsection (f) in the removal of oil.

"(e) In addition to any other action taken by a State or local government, when the President determines there is an imminent and substantial threat to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife and public and private property, shorelines, and beaches within the United States, because of an actual or threatened discharge of oil into or upon the navigable waters of the United States from an onshore or offshore facility, the President may require the United States attorney of the district in which the threat occurs to secure such relief as may be necessary to abate such threat, and the district courts of the United States shall have jurisdiction to grant such relief as the public interest and the equities of the case may require.

"(f)(1) Except where an owner or operator can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any vessel from which oil is discharged in violation of subsection (b)(2) of this section shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil by the United States Government in an amount not to exceed $100 per gross ton of such vessel or $14,000,000, whichever is lesser, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. Such costs shall constitute a maritime lien on such vessel which may be recovered in an action in rem in the district court of the United States for any district within which any vessel may be found. The United States may also bring an action against the owner or operator of such vessel in any court of competent jurisdiction to recover such costs.

"(2) Except where an owner or operator of an onshore facility can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any such facility from which oil is discharged in violation of subsection (b)(2) of this section shall be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil by the United States Government in an amount not to exceed $8,000,000, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. The United States may bring an action against the owner or operator of such facility in any court of competent jurisdiction to recover such costs. The Secretary is authorized, by regulation, after consultation with the Secretary of Commerce and the Small Business Administration, to establish reasonable and equitable classifications of those onshore facilities having a total fixed storage capacity of 1,000 barrels or less which he determines because of size, type, and location do not present a substantial risk of the discharge of oil in violation of subsection (b)(2) of this section, and apply with respect to such classifications differing limits of liability which may be less than the amount contained in this paragraph.

"(3) Except where an owner or operator of an offshore facility can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any such facility from which oil is discharged in violation of subsection (b)(2) of this section shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil by the United States Government in an amount not to exceed $8,000,000, except that where the United States can show that such

discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. The United States may bring an action against the owner or operator of such a facility in any court of competent jurisdiction to recover such costs.

"(g) In any case where an owner or operator of a vessel, of an onshore facility, or of an offshore facility, from which oil is discharged in violation of subsection (b)(2) of this section proves that such discharge of oil was caused solely by an act or omission of a third party, or was caused solely by such an act or omission in combination with an act of God, an act of war, or negligence on the part of the United States Government, such third party shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for removal of such oil by the United States Government, except where such third party can prove that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of another party without regard to whether such act or omission was or was not negligent, or any combination of the foregoing clauses. If such third party was the owner or operator of a vessel which caused the discharge of oil in violation of subsection (b)(2) of this section, the liability of such third party under this subsection shall not exceed $100 per gross ton of such vessel or $14,000,000, whichever is the lesser. In any other case the liability of such third party shall not exceed the limitation which would have been applicable to the owner or operator of the vessel or the onshore or offshore facility from which the discharge actually occurred, if such owner or operator were liable. If the United States can show that the discharge of oil in violation of subsection (b)(2) of this section was the result of willful negligence or willful misconduct within the privity and knowledge of such third party, such third party shall be liable to the United States Government for the full amount of such removal costs. The United States may bring an action against the third party in any court of competent jurisdiction to recover such removal costs.

"(h) The liabilities established by this section shall in no way affect any rights which (1) the owner or operator of a vessel or of an onshore facility or an offshore facility may have against any third party whose acts may in any way have caused or contributed to such discharge, or (2) the United States Government may have against any third party whose actions may in any way have caused or contributed to the discharge of oil.

"(i)(1) In any case where an owner or operator of a vessel or an onshore facility or an offshore facility from which oil is discharged in violation of subsection (b)(2) of this section acts to remove such oil in accordance with regulations promulgated pursuant to this section, such owner or operator shall be entitled to recover the reasonable costs incurred in such removal upon establishing, in a suit which may be brought against the United States Government in the United States Court of Claims, that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether such act or omission was or was not negligent, or of any combination of the foregoing clauses.

"(2) The provisions of this subsection shall not apply in any case where liability is established pursuant to the Outer Continental Shelf Lands Act.

"(3) Any amount paid in accordance with a judgment of the United States Court of Claims pursuant to this section shall be paid from the fund established pursuant to subsection (k).

"(j)(1) Consistent with the National Contingency Plan required by subsection (c)(2) of this section, as soon as practicable after the effective date of this section, and from time to time thereafter, the President shall issue regulations consistent with maritime safety and with marine and navigation laws (A) establishing methods and procedures for removal of discharged oil, (B) establishing criteria for the development and implementation of local and regional oil removal contingency plans, (C) establishing procedures, methods, and requirements for equipment to prevent discharges of oil from vessels and from onshore facilities and offshore facilities, and (D) governing the inspection of vessels carrying cargoes of oil and the inspection of such cargoes in order to reduce the likelihood of discharges of oil from such vessels in violation of this section.

"(2) Any owner or operator of a vessel or an onshore facility or an offshore facility and any other person subject to any regulation issued under paragraph (1) of this subsection who fails or refuses to comply with the provisions of any such regulation, shall be liable to a civil penalty of not more than $5,000 for each such violation. Each violation shall be a separate offense. The President may assess and compromise such penalty. No penalty shall be assessed until the owner, operator, or other person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the owner, operator, or other person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by the President.

"(k) There is hereby authorized to be appropriated to a revolving fund to be established in the Treasury not to exceed $35,000,000 to carry out the provisions of subsections (c), (i), and (l) of this section and section 12 of this Act. Any other funds received by the United States under this section shall also be deposited in said fund for such purposes. All sums appropriated to, or deposited in, said fund shall remain available until expended.

"(l) The President is authorized to delegate the administration of this section to the heads of those Federal departments, agencies, and instrumentalities which he determines to be appropriate. Any moneys in the fund established by subsection (k) of this section shall be available to such Federal departments, agencies, and instrumentalities to carry out the provisions of subsections (c) and (i) of this section and section 12 of this Act. Each such department, agency, and instrumentality, in order to avoid duplication of effort, shall, whenever appropriate, utilize the personnel, services, and facilities of other Federal departments, agencies, and instrumentalities.

"(m) Anyone authorized by the President to enforce the provisions of this section may, except as to public vessels, (A) board and inspect any vessel upon the navigable waters of the United States or the waters of the contiguous zone, (B) with or without a warrant arrest any person who violates the provisions of this section or any regulation issued thereunder in his presence or view, and (C) execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(n) The several district courts of the United States are invested with jurisdiction for any actions, other than actions pursuant to subsection (i)(1), arising under this section. In the case of Guam, such actions may

be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone, such actions may be brought in the United States District Court for the District of the Canal Zone.

"(o)(1) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel, or of any owner or operator of any onshore facility or offshore facility to any person or agency under any provision of law for damages to any publicly-owned or privately-owned property resulting from a discharge of any oil or from the removal of any such oil.

"(2) Nothing in this section shall be construed as preempting any State or political subdivision thereof from imposing any requirement or liability with respect to the discharge of oil into any waters within such State.

"(3) Nothing in this section shall be construed as affecting or modifying any other existing authority of any Federal department, agency, or instrumentality, relative to onshore or offshore facilities under this Act or any other provision of law, or to affect any State or local law not in conflict with this section.

"(p)(1) Any vessel over three hundred gross tons, including any barge of equivalent size, using any port or place in the United States or the navigable waters of the United States for any purpose shall establish and maintain under regulations to be prescribed from time to time by the President, evidence of financial responsibility of $100 per gross ton, or $14,000,000 whichever is the lesser, to meet the liability to the United States which such vessel could be subjected under this section. In cases where an owner or operator owns, operates, or charters more than one such vessel, financial responsibility need only be established to meet the maximum liability to which the largest of such vessels could be subjected. Financial responsibility may be established by any one of, or a combination of, the following methods acceptable to the President: (A) evidence of insurance, (B) surety bonds, (C) qualification as a self-insurer, or (D) other evidence of financial responsibility. Any bond filed shall be issued by a bonding company authorized to do business in the United States.

"(2) The provisions of paragraph (1) of this subsection shall be effective one year after the effective date of this section. The President shall delegate the responsibility to carry out the provisions of this subsection to the appropriate agency head within sixty days after the date of enactment of this section. Regulations necessary to implement this subsection shall be issued within six months after the date of enactment of this section.

"(3) Any claim for costs incurred by such vessel may be brought directly against the insurer or any other person providing evidence of financial responsibility as required under this subsection. In the case of any action pursuant to this subsection such insurer or other person shall be entitled to invoke all rights and defenses which would have been available to the owner or operator if an action had been brought against him by the claimant, and which would have been available to him if an action had been brought against him by the owner or operator.

"(4) The Secretary of Transportation, in consultation with the Secretaries of Interior, State, Commerce, and other interested Federal agencies, representatives of the merchant marine, oil companies, insurance companies, and other interested individuals and organizations, and taking

into account the results of the application of paragraph (1) of this subsection, shall conduct a study of the need for and, to the extent determined necessary—

"(A) other measures to provide financial responsibility and limitation of liability with respect to vessels using the navigable waters of the United States;

"(B) measures to provide financial responsibility for all onshore and offshore facilities; and

"(C) other measures for limitation of liability of such facilities; for the cost of removing discharged oil and paying all damages resulting from the discharge of such oil. The Secretary of Transportation shall submit a report, together with any legislative recommendations, to Congress and the President by January 1, 1971.

"CONTROL OF HAZARDOUS POLLUTING SUBSTANCES

"SEC. 12. (a) The President shall, in accordance with subsection (b) of this section, develop, promulgate, and revise as may be appropriate, regulations (1) designating as hazardous substances, other than oil as defined in section 11 of this Act, such elements and compounds which, when discharged in any quantity into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone, present an imminent and substantial danger to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, shorelines, and beaches; and (2) establishing, if appropriate, recommended methods and means for the removal of such substances.

"(b) Sections 551 through 559, inclusive (other than section 553(c)), and 701 through 706, inclusive, of title 5, United States Code, shall apply to regulations issued under authority of this section.

"(c) In order to facilitate the removal, if appropriate, of any hazardous substance any person in charge of a vessel or of an onshore or offshore facility of any kind shall, as soon as he has knowledge of any discharge of such substance from such vessel or facility, immediately notify the appropriate agency of the United States of such discharge.

"(d) Whenever any hazardous substance is discharged into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone, unless removal is immediately undertaken by the owner or operator of the vessel or onshore or offshore facility from which the discharge occurs or which caused the discharge, pursuant to the regulations promulgated under this section, the President, if appropriate, shall remove or arrange for the removal thereof in accordance with such regulations. Nothing in this subsection shall be construed to restrict the authority of the President to act to remove or arrange for the removal of such hazardous substance at any time.

"(e) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel, onshore or offshore facility to any person or agency under any provision of law for damages to any publicly- or privately-owned property resulting from a discharge of any hazardous substance or from the removal of any such substance.

"(f)(1) For the purpose of this section the definitions in subsection (a) of section 11 of this Act shall be applicable to the provisions of this section, except as provided in paragraph (2) of this subsection:

"(2) For the purpose of this section, the term—

"(A) 'remove' or 'removal' refers to removal of the hazardous substances from the water and shorelines or the taking of such

other actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches;

"(B) 'owner or operator' means any person owning, operating, chartering by demise, or otherwise controlling the operations of, a vessel, or any person owning, operating, or otherwise controlling the operations of an onshore or offshore facility; and

"(C) 'offshore or onshore facility' means any facility of any kind and related appurtenances thereto which is located in, on, or under the surface of any land, or permanently or temporarily affixed to any land, including lands beneath the navigable waters of the United States and which is used or capable of use for the purpose of processing, transporting, producing, storing, or transferring for commercial purposes any hazardous substance designated under this section.

"(g) The President shall submit a report to the Congress, together with his recommendations, not later than November 1, 1970, on the need for, and desirability of, enacting legislation to impose liability for the cost of removal of hazardous substances discharged from vessels and onshore and offshore facilities subject to this section including financial responsibility requirements. In preparing this report, the President shall conduct an accelerated study which shall include, but not be limited to, the method and measures for controlling hazardous substances to prevent this discharge, and the most appropriate measures for (1) enforcement (including the imposition of civil and criminal penalties for discharges and for failure to notify) and (2) recovery of costs incurred by the United States if removal is undertaken by the United States. In carrying out this study, the President shall consult with the interested representatives of the various public and private groups that would be affected by such legislation as well as other interested persons.

"(h) Any moneys in the funds established by section 11 of this Act shall be available to the President to carry out the purposes of this section. In carrying out this section the President shall utilize the personnel, services, and facilities of Federal departments, agencies, and instrumentalities in such manner as will avoid duplication of effort.

"CONTROL OF SEWAGE FROM VESSELS

"SEC. 13. (a) For the purpose of this section, the term—

"(1) 'new vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which is initiated after promulgation of standards and regulations under this section;

"(2) 'existing vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which is initiated before promulgation of standards and regulations under this section;

"(3) 'public vessel' means a vessel owned or bareboat chartered and operated by the United States, by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce;

"(4) 'United States' includes the States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Canal Zone, and the Trust Territory of the Pacific Islands;

"(5) 'marine sanitation device' includes any equipment for installation on board a vessel which is designed to receive, retain, treat, or discharge sewage, and any process to treat such sewage;

"(6) 'sewage' means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

"(7) 'manufacturer' means any person engaged in the manufacturing, assembling, or importation of marine sanitation devices or of vessels subject to standards and regulations promulgated under this section;

"(8) 'person' means an individual, partnership, firm, corporation, or association, but does not include an individual on board a public vessel;

"(9) 'discharge' includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

"(b)(1) As soon as possible, after the enactment of this section and subject to the provisions of section 5(j) of this Act, the Secretary, after consultation with the Secretary of the department in which the Coast Guard is operating, after giving appropriate consideration to the economic costs involved, and within the limits of available technology, shall promulgate Federal standards of performance for marine sanitation devices (hereafter in this section referred to as 'standards') which shall be designed to prevent the discharge of untreated or inadequately treated sewage into or upon the navigable waters of the United States from new vessels and existing vessels, except vessels not equipped with installed toilet facilities. Such standards shall be consistent with maritime safety and the marine and navigation laws and regulations and shall be coordinated with the regulations issued under this subsection by the Secretary of the department in which the Coast Guard is operating. The Secretary of the department in which the Coast Guard is operating shall promulgate regulations, which are consistent with standards promulgated under this subsection and with maritime safety and the marine and navigation laws and regulations, governing the design, construction, installation, and operation of any marine sanitation device on board such vessels.

"(2) Any existing vessel equipped with a marine sanitation device on the date of promulgation of initial standards and regulations under this section, which device is in compliance with such initial standards and regulations, shall be deemed in compliance with this section until such time as the device is replaced or is found not to be in compliance with such initial standards and regulations.

"(c)(1) Initial standards and regulations under this section shall become effective for new vessels two years after promulgation; and for existing vessels five years after promulgation. Revisions of standards and regulations shall be effective upon promulgation, unless another effective date is specified, except that no revision shall take effect before the effective date of the standard or regulation being revised.

"(2) The Secretary of the department in which the Coast Guard is operating with regard to his regulatory authority established by this section, after consultation with the Secretary, may distinguish among classes, types, and sizes of vessels as well as between new and existing

vessels, and may waive applicability of standards and regulations as necessary or appropriate for such classes, types, and sizes of vessels (including existing vessels equipped with marine sanitation devices on the date of promulgation of the initial standards required by this section), and, upon application, for individual vessels.

"(d) The provisions of this section and the standards and regulations promulgated hereunder apply to vessels owned and operated by the United States unless the Secretary of Defense finds that compliance would not be in the interest of national security. With respect to vessels owned and operated by the Department of Defense, regulations under the last sentence of subsection (b)(1) and certifications under subsection (g)(2) of this section shall be promulgated and issued by the Secretary of Defense.

"(e) Before the standards and regulations under this section are promulgated, the Secretary and the Secretary of the department in which the Coast Guard is operating shall consult with the Secretary of State; the Secretary of Health, Education, and Welfare; the Secretary of Defense; the Secretary of the Treasury; the Secretary of Commerce; other interested Federal agencies; and the States and industries interested; and otherwise comply with the requirements of section 553 of title 5 of the United States Code.

"(f) After the effective date of the initial standards and regulations promulgated under this section, no State or political subdivision thereof shall adopt or enforce any statute or regulation of such State or political subdivision with respect to the design, manufacture, or installation or use of any marine sanitation device on any vessel subject to the provisions of this section. Upon application by a State, and where the Secretary determines that any applicable water quality standards require such a prohibition, he shall by regulation completely prohibit the discharge from a vessel of any sewage (whether treated or not) into those waters of such State which are the subject of the application and to which such standards apply.

"(g)(1) No manufacturer of a marine sanitation device shall sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States for sale or resale any marine sanitation device manufactured after the effective date of the standards and regulations promulgated under this section unless such device is in all material respects substantially the same as a test device certified under this subsection.

"(2) Upon application of the manufacturer, the Secretary of the department in which the Coast Guard is operating shall so certify a marine sanitation device if he determines, in accordance with the provisions of this paragraph, that it meets the appropriate standards and regulations promulgated under this section. The Secretary of the department in which the Coast Guard is operating shall test or require such testing of the device in accordance with procedures set forth by the Secretary as to standards of performance and for such other purposes as may be appropriate. If the Secretary of the department in which the Coast Guard is operating determines that the device is satisfactory from the standpoint of safety and any other requirements of maritime law or regulation, and after consideration of the design, installation, operation, material, or other appropriate factors, he shall certify the device. Any device manufactured by such manufacturer which is in all material respects substantially the same as the certified test device shall be deemed to be in conformity with the appropriate standards and regulations established under this section.

"(3) Every manufacturer shall establish and maintain such records, make such reports, and provide such information as the Secretary or the Secretary of the department in which the Coast Guard is operating may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this section and regulations issued thereunder and shall, upon request of an officer or employee duly designated by the Secretary or the Secretary of the department in which the Coast Guard is operating, permit such officer or employee at reasonable times to have access to and copy such records. All information reported to or otherwise obtained by, the Secretary or the Secretary of the department in which the Coast Guard is operating or their representatives pursuant to this subsection which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this section. This paragraph shall not apply in the case of the construction of a vessel by an individual for his own use.

"(h) After the effective date of standards and regulations promulgated under this section, it shall be unlawful—

"(1) for the manufacturer of any vessel subject to such standards and regulations to manufacture for sale, to sell or offer for sale, or to distribute for sale or resale any such vessel unless it is equipped with a marine sanitation device which is in all material respects substantially the same as the appropriate test device certified pursuant to this section;

"(2) for any person, prior to the sale or delivery of a vessel subject to such standards and regulations to the ultimate purchaser, wrongfully to remove or render inoperative any certified marine sanitation device or element of design of such device installed in such vessel;

"(3) for any person to fail or refuse to permit access to or copying of records or to fail to make reports or provide information required under this section; and

"(4) for a vessel subject to such standards and regulations to operate on the navigable waters of the United States, if such vessel is not equipped with an operable marine sanitation device certified pursuant to this section.

"(i) The district courts of the United States shall have jurisdictions to restrain violations of subsection (g) (1) and subsections (h)(1) through (3) of this section. Actions to restrain such violations shall be brought by, and in, the name of the United States. In case of contumacy or refusal to obey a subpena served upon any person under this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(j) Any person who violates subsection (g)(1) or clause (1) or (2) of subsection (h) of this section shall be liable to a civil penalty of not more than $5,000 for each violation. Any person who violates clause (4) of subsection (h) of this section or any regulation issued pursuant to this section shall be liable to a civil penalty of not more than $2,000 for each violation. Each violation shall be a separate offense. The Secretary of the department in which the Coast Guard is operating may assess and compromise any

such penalty. No penalty shall be assessed until the person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by said Secretary.

"(k) The provisions of this section shall be enforced by the Secretary of the department in which the Coast Guard is operating and he may utilize by agreement, with or without reimbursement, law enforcement officers or other personnel and facilities of the Secretary, other Federal agencies, or the States to carry out the provisions of this section.

"(l) Anyone authorized by the Secretary of the department in which the Coast Guard is operating to enforce the provisions of this section may, except as to public vessels, (1) board and inspect any vessel upon the navigable waters of the United States and (2) execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(m) In the case of Guam, actions arising under this section may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone, such actions may be brought in the District Court for the District of the Canal Zone.

"Area Acid and Other Mine Water Pollution Control Demonstrations

"Sec. 14. (a) The Secretary in cooperation with other Federal departments, agencies, and instrumentalities is authorized to enter into agreements with any State or interstate agency to carry out one or more projects to demonstrate methods for the elimination or control, within all or part of a watershed, of acid or other mine water pollution resulting from active or abandoned mines. Such projects shall demonstrate the engineering and economic feasibility and practicality of various abatement techniques which will contribute substantially to effective and practical methods of acid or other mine water pollution elimination or control.

"(b) The Secretary, in selecting watersheds for the purposes of this section, shall (1) require such feasibility studies as he deems appropriate, (2) give preference to areas which have the greatest present or potential value for public use for recreation, fish and wildlife, water supply, and other public uses, and (3) be satisfied that the project area will not be affected adversely by the influx of acid or other mine water pollution from nearby sources.

"(c) Federal participation in such projects shall be subject to the conditions—

"(1) that the State or interstate agency shall pay not less than 25 per centum of the actual project costs which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, or personal property or services, the value of which shall be determined by the Secretary; and

"(2) that the State or interstate agency shall provide legal and practical protection to the project area to insure against any activities which will cause future acid or other mine water pollution.

"(d) There is authorized to be appropriated $15,000,000 to carry out the provisions of this section, which sum shall be available until expended. No more than 25 per centum of the total funds available under this section in any one year shall be granted to any one State.

"POLLUTION CONTROL IN GREAT LAKES

"SEC. 15. (a) The Secretary, in cooperation with other Federal departments, agencies, and instrumentalities is authorized to enter into agreements with any State, political subdivision, interstate agency, or other public agency, or combination thereof, to carry out one or more projects to demonstrate new methods and techniques and to develop preliminary plans for the elimination or control of pollution, within all or any part of the watersheds of the Great Lakes. Such projects shall demonstrate the engineering and economic feasibility and practicality of removal of pollutants and prevention of any polluting matter from entering into the Great Lakes in the future and other abatement and remedial techniques which will contribute substantially to effective and practical methods of water pollution elimination or control.

"(b) Federal participation in such projects shall be subject to the condition that the State, political subdivision, interstate agency, or other public agency, or combination thereof, shall pay not less than 25 per centum of the actual project costs, which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, and personal property or services the value of which shall be determined by the Secretary.

"(c) There is authorized to be appropriated $20,000,000 to carry out the provisions of this section, which sum shall be available until expended.

"TRAINING GRANTS AND CONTRACTS

"SEC. 16. The Secretary is authorized to make grants to or contracts with institutions of higher education, or combinations of such institutions, to assist them in planning, developing, strengthening, improving, or carrying out programs or projects for the preparation of undergraduate students to enter an occupation which involves the design, operation, and maintenance of treatment works, and other facilities whose purpose is water quality control. Such grants or contracts may include payment of all or part of the cost of programs or projects such as—

"(A) planning for the development or expansion of programs or projects for training persons in the operation and maintenance of treatment works;

"(B) training and retraining of faculty members;

"(C) conduct of short-term or regular session institutes for study by persons engaged in, or preparing to engage in, the preparation of students preparing to enter an occupation involving the operation and maintenance of treatment works;

"(D) carrying out innovative and experimental programs of cooperative education involving alternate periods of full-time or part-time academic study at the institution and periods of full-time or part-time employment involving the operation and maintenance of treatment works; and

"(E) research into, and development of, methods of training students or faculty, including the preparation of teaching materials and the planning of curriculum.

"APPLICATION FOR TRAINING GRANT OR CONTRACT; ALLOCATION OF GRANTS OR CONTRACTS

"SEC. 17. (1) A grant or contract authorized by section 16 may be made only upon application to the Secretary at such time or times and containing such information as he may prescribe, except that no such application shall be approved unless it—

"(A) sets forth programs, activities, research, or development for which a grant is authorized under section 16, and describes the relation to any program set forth by the applicant in an application, if any, submitted pursuant to section 18;

"(B) provides such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section; and

"(C) provides for making such reports, in such form and containing such information, as the Secretary may require to carry out his functions under this section, and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

"(2) The Secretary shall allocate grants or contracts under section 16 in such manner as will most nearly provide an equitable distribution of the grants or contracts throughout the United States among institutions of higher education which show promise of being able to use funds effectively for the purposes of this section.

"(3)(A) Payment under this section may be used in accordance with regulations of the Secretary, and subject to the terms and conditions set forth in an application approved under subsection (a), to pay part of the compensation of students employed in connection with the operation and maintenance of treatment works, other than as an employee in connection with the operation and maintenance of treatment works or as an employee in any branch of the Government of the United States, as part of a program for which a grant has been approved pursuant to this section.

"(B) Departments and agencies of the United States are encouraged, to the extent consistent with efficient administration, to enter into arrangements with institutions of higher education for the full-time, part-time, or temporary employment, whether in the competitive or excepted service, of students enrolled in programs set forth in applications approved under subsection (a).

"AWARD OF SCHOLARSHIPS

"SEC. 18. (1) The Secretary is authorized to award scholarships in accordance with the provisions of this section for undergraduate study by persons who plan to enter an occupation involving the operation and maintenance of treatment works. Such scholarships shall be awarded for such periods as the Secretary may determine but not to exceed four academic years.

"(2) The Secretary shall allocate scholarships under this section among institutions of higher education with programs approved under the provisions of this section for the use of individuals accepted into such programs, in such manner and according to such plan as will insofar as practicable—

"(A) provide an equitable distribution of such scholarships throughout the United States; and

"(B) attract recent graduates of secondary schools to enter an occupation involving the operation and maintenance of treatment works.

"(3) The Secretary shall approve a program of an institution of higher education for the purposes of this section only upon application by the institution and only upon his finding—

"(A) that such program has as a principal objective the education and training of persons in the operation and maintenance of treatment works;

"(B) that such program is in effect and of high quality, or can be readily put into effect and may reasonably be expected to be of high quality;

"(C) that the application describes the relation of such program to any program, activity, research, or development set forth by the applicant in an application, if any, submitted pursuant to section 16 of this Act; and

"(D) that the application contains satisfactory assurances that (i) the institution will recommend to the Secretary for the award of scholarships under this section, for study in such program, only persons who have demonstrated to the satisfaction of the institution a serious intent, upon completing the program, to enter an occupation involving the operation and maintenance of treatment works, and (ii) the institution will make reasonable continuing efforts to encourage recipients of scholarships under this section, enrolled in such program, to enter occupations involving the operation and maintenance of treatment works upon completing the program.

"(4)(A) The Secretary shall pay to persons awarded scholarships under this section such stipends (including such allowances for subsistence and other expenses for such persons and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

"(B) The Secretary shall (in addition to the stipends paid to persons under subsection (a)) pay to the institution of higher education at which such person is pursuing his course of study such amount as he may determine to be consistent with prevailing practices under comparable federally supported programs.

"(5) A person awarded a scholarship under the provisions of this section shall continue to receive the payments provided in this section only during such periods as the Secretary finds that he is maintaining satisfactory proficiency and devoting full time to study or research in the field in which such scholarship was awarded in an institution of higher education, and is not engaging in gainful employment other than employment approved by the Secretary by or pursuant to regulation.

"(6) The Secretary shall by regulation provide that any person awarded a scholarship under this section shall agree in writing to enter and remain in an occupation involving the design, operation, or maintenance of treatment works for such period after completion of his course of studies as the Secretary determines appropriate.

"DEFINITIONS AND AUTHORIZATIONS

"SEC. 19. (1) As used in sections 16 through 19 of this Act—

"(A) The term 'State' includes the District of Columbia, Puerto Rico, the Canal Zone, Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

"(B) The term 'institution of higher education' means an educational institution described in the first sentence of section 1201 of the Higher

Education Act of 1965 (other than an institution of any agency of the United States) which is accredited by a nationally recognized accrediting agency or association approved by the Secretary for this purpose. For purposes of this subsection, the Secretary shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

"(C) The term 'academic year' means an academic year or its equivalent, as determined by the Secretary.

"(2) The Secretary shall annually report his activities under sections 16 through 19 of this Act, including recommendations for needed revisions in the provisions thereof.

"(3) There are authorized to be appropriated $12,000,000 for the fiscal year ending June 30, 1970, $25,000,000 for the fiscal year ending June 30, 1971, and $25,000,000 for the fiscal year ending June 30, 1972, to carry out sections 16 through 19 of this Act (and planning and related activities in the initial fiscal year for such purpose). Funds appropriated for the fiscal year ending June 30, 1970, under authority of this subsection shall be available for obligation pursuant to the provisions of sections 16 through 19 of this Act during that year and the succeeding fiscal year.

"ALASKA VILLAGE DEMONSTRATION PROJECTS

"SEC. 20. (a) The Secretary is authorized to enter into agreements with the State of Alaska to carry out one or more porjects to demonstrate methods to provide for central community facilities for safe water and the elimination or control of water pollution in those native villages of Alaska without such facilities. Such projects shall include provisions for community safe water supply systems, toilets, bathing and laundry facilities, sewage disposal facilities, and other similar facilities, and educational and informational facilities and programs relating to health and hygiene. Such demonstration projects shall be for the further purpose of developing preliminary plans for providing such safe water and such elimination or control of water pollution for all native villages in such State.

"(b) In carrying out this section the Secretary shall cooperate with the Secretary of Health, Education, and Welfare for the purpose of utilizing such of the personnel and facilities of that Department as may be appropriate.

"(c) The Secretary shall report to Congress not later than January 31, 1973, the results of the demonstration projects authorized by this section together with his recommendations, including any necessary legislation, relating to the establishment of a statewide program.

"(d) There is authorized to be appropriated not to exceed $1,000,000 to carry out this section."

SEC. 103. Redesignated section 21 of the Federal Water Pollution Control Act, as amended, is amended to read as follows:

"COOPERATION BY ALL FEDERAL AGENCIES IN THE CONTROL OF POLLUTION

"SEC. 21. (a) Each Federal agency (which term is used in this section includes Federal departments, agencies, and instrumentalities) having jurisdiction over any real property or facility, or engaged in any Federal public works activity of any kind, shall, consistent with the paramount interest of the United States as determined by the President, insure compliance with applicable water quality standards and the purposes of

this Act in the administration of such property, facility, or activity. In his summary of any conference pursuant to section 10(d)(4) of this Act, the Secretary shall include references to any discharges allegedly contributing to pollution from any such Federal property, facility, or activity, and shall transmit a copy of such summary to the head of the Federal agency having jurisdiction of such property, facility, or activity. Notice of any hearing pursuant to section 10(f) of this Act involving any pollution alleged to be effected by any such discharges shall also be given to the Federal agency having jurisdiction over the property, facility, or activity involved, and the findings and recommendations of the hearing board conducting such hearing shall include references to any such discharges which are contributing to the pollution found by such board.

"(b)(1) Any applicant for a Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters of the United States, shall provide the licensing or permitting agency a certification from the State in which the discharge originates or will originate, or, if appropriate, from the interstate water pollution control agency having jurisdiction over the navigable waters at the point where the discharge originates or will originate, that there is reasonable assurance, as determined by the State or interstate agency that such activity will be conducted in a manner which will not violate applicable water quality standards. Such State or interstate agency shall establish procedures for public notice in the case of all applications for certification by it, and to the extent it deems appropriate, procedures for public hearings in connection with specific applications. In any case where such standards have been promulgated by the Secretary pursuant to section 10(c) of this Act, or where a State or interstate agency has no authority to give such a certification, such certification shall be from the Secretary. If the State, interstate agency, or Secretary, as the case may be, fails or refuses to act on a request for certification, within a reasonable period of time (which shall not exceed one year) after receipt of such request, the certification requirements of this subsection shall be waived with respect to such Federal application. No license or permit shall be granted until the certification required by this section has been obtained or has been waived as provided in the preceding sentence. No license or permit shall be granted if certification has been denied by the State, interstate agency, or the Secretary, as the case may be.

"(2) Upon receipt of such application and certification the licensing or permitting agency shall immediately notify the Secretary of such application and certification. Whenever such a discharge may affect, as determined by the Secretary, the quality of the waters of any other State, the Secretary within thirty days of the date of notice of application for such Federal license or permit shall so notify such other State, the licensing or permitting agency, and the applicant. If, within sixty days after receipt of such notification, such other State determines that such discharge will affect the quality of its waters so as to violate its water quality standards, and within such sixty-day period notifies the Secretary and the licensing or permitting agency in writing of its objection to the issuance of such license or permit and requests a public hearing on such objection, the licensing or permitting agency shall hold such a hearing. The Secretary shall at such hearing submit his evaluation and recommendations with respect to any such objection to the licensing or permitting agency. Such agency, based upon the recommendations of such State, the Secretary, and upon any additional evidence, if any, presented to the agency at the hearing,

shall condition such license or permit in such manner as may be necessary to insure compliance with applicable water quality standards. If the imposition of conditions cannot insure such compliance such agency shall not issue such license or permit.

"(3) The certification obtained pursuant to paragraph (1) of this subsection with respect to the construction of any facility shall fulfill the requirements of this subsection with respect to certification in connection with any other Federal license or permit required for the operation of such facility unless, after notice to the certifying State, agency, or Secretary, as the case may be, which shall be given by the Federal agency to whom application is made for such operating license or permit, the State, or if appropriate, the interstate agency or the Secretary, notifies such agency within sixty days after receipt of such notice that there is no longer reasonable assurance that there will be compliance with applicable water quality standards because of changes since the construction license or permit certification was issued in (A) the construction or operation of the facility, (B) the characteristics of the waters into which such discharge is made, or (C) the water quality standards applicable to such waters. This paragraph shall be inapplicable in any case where the applicant for such operating license or permit has failed to provide the certifying State, or if appropriate, the interstate agency or the Secretary, with notice of any proposed changes in the construction or operation of the facility with respect to which a construction license or permit has been granted which changes may result in violation of applicable water quality standards.

"(4) Prior to the initial operation of any federally licensed or permitted facility or activity which may result in any discharge into the navigable waters of the United States and with respect to which a certification has been obtained pursuant to paragraph (1) of this subsection, which facility or activity is not subject to a Federal operating license or permit, the licensee or permittee shall provide an opportunity for such certifying State or, if appropriate, the interstate agency or the Secretary to review the manner in which the facility or activity shall be operated or conducted for the purposes of assuring that applicable water quality standards will not be violated. Upon notification by the certifying State or, if appropriate, the interstate agency or the Secretary that the operation of any such federally licensed or permitted facility or activity will violate applicable water quality standards, such Federal agency may, after public hearing, suspend such license or permit. If such license or permit is suspended, it shall remain suspended until notification is received from the certifying State, agency, or Secretary, as the case may be, that there is reasonable assurance that such facility or activity will not violate applicable water quality standards.

"(5) Any Federal license or permit with respect to which a certification has been obtained under paragraph (1) of this subsection may be suspended or revoked by the Federal agency issuing such license or permit upon the entering of a judgment under section 10(h) of this Act that such facility or activity has been operated in violation of applicable water quality standards.

"(6) No Federal agency shall be deemed to be an applicant for the purposes of this subsection.

"(7) In any case where actual construction of a facility has been lawfully commenced prior to the date of enactment of the Water Quality Improvement Act of 1970, no certification shall be required under this subsection for a license or permit issued after the date of enactment of

such Act of 1970 to operate such facility, except that any such license or permit issued without certification shall terminate at the end of the three-year period beginning on the date of enactment of such Act of 1970 unless prior to such termination date the person having such license or permit submits to the Federal agency which issued such license or permit a certification and otherwise meets the requirements of this subsection.

"(8) Except as provided in paragraph (7), any application for a license or permit (A) that is pending on the date of enactment of the Water Quality Improvement Act of 1970 and (B) that is issued within one year following such date of enactment shall not require certification pursuant to this subsection for one year following the issuance of such license or permit, except that any such license or permit issued shall terminate at the end of one year unless prior to that time the licensee or permittee submits to the Federal agency that issued such license or permit a certification and otherwise meets the requirements of this subsection.

"(9)(A) In the case of any activity which will affect water quality but for which there are no applicable water quality standards, no certification shall be required under this subsection, except that the licensing or permitting agency shall impose, as a condition of any license or permit, a requirement that the licensee or permittee shall comply with the purposes of this Act.

"(B) Upon notice from the State in which the discharge originates or, as appropriate, the interstate agency or the Secretary, that such licensee or permittee has been notified of the adoption of water quality standards applicable to such activity and has failed, after reasonable notice, of not less than six months, to comply with such standards, the license or permit shall be suspended until notification is received from such State or interstate agency or the Secretary that there is reasonable assurance that such activity will comply with applicable water quality standards.

"(c) Nothing in this section shall be construed to limit the authority of any department or agency pursuant to any other provision of law to require compliance with applicable water quality standards. The Secretary shall, upon the request of any Federal department or agency, or State or interstate agency, or applicant, provide, for the purpose of this section, any relevant information on applicable water quality standards, and shall, when requested by any such department or agency or State or interstate agency, or applicant, comment on any methods to comply with such standards.

"(d) In order to implement the provisions of this section, the Secretary of the Army, acting through the Chief of Engineers, is authorized, if he deems it to be in the public interest, to permit the use of spoil disposal areas under his jurisdiction by Federal licensees or permittees, and to make an appropriate charge for such use. Moneys received from such licensees or permittees shall be deposited in the Treasury as miscellaneous receipts."

SEC. 104. Redesignated section 22 of the Federal Water Pollution Control Act, as amended, is amended by adding at the end thereof the following:

"(f)(1) It is the purpose of this subsection to authorize a program which will provide official recognition by the United States Government to those industrial organizations and political subdivisions of States which during the preceding year demonstrated an outstanding technological achievement or an innovative process, method or device in their waste treatment and pollution abatement programs. The Secretary shall, in

consultation with the appropriate State water pollution control agency, establish regulations under which such recognition may be applied for and granted, except that no applicant shall be eligible for an award under this subsection if such applicant is not in total compliance with all applicable water quality standards under this Act, and otherwise does not have a satisfactory record with respect to environmental quality.

"(2) The Secretary shall award a certificate or plaque of suitable design to each industrial organization or political subdivision which qualifies for such recognition under regulations established by this subsection.

"(3) The President of the United States, the Governor of the appropriate State, the Speaker of the House of Representatives, and the President pro tempore of the Senate shall be notified of the award by the Secretary, and the awarding of such recognition shall be published in the Federal Register."

SEC. 105. Section 5 of the Federal Water Pollution Control Act, as amended, is amended as follows:

(1) by redesignating subsections (g) and (h) as (m) and (n), respectively, including all references thereto;

(2) by inserting after subsection (f) the following new subsections:

"(g)(1) For the purpose of providing an adequate supply of trained personnel to operate and maintain existing and future treatment works and related activities, and for the purpose of enhancing substantially the proficiency of those engaged in such activities, the Secretary shall finance a pilot program, in cooperation with State and interstate agencies, municipalities, educational institutions, and other organizations and individuals, of manpower development and training and retraining of persons in, or entering into, the field of operation and maintenance of treatment works and related activities. Such program and any funds expended for such a program shall supplement, not supplant, other manpower and training programs and funds available for the purposes of this paragraph. The Secretary is authorized, under such terms and conditions as he deems appropriate, to enter into agreements with one or more States, acting jointly or severally, or with other public or private agencies or institutions for the development and implementation of such a program.

"(2) The Secretary is authorized to enter into agreements with public and private agencies and institutions, and individuals to develop and maintain an effective system for forecasting the supply of, and demand for, various professional and other occupational categories needed for the prevention, control, and abatement of water pollution in each region, State, or area of the United States and, from time to time, to publish the results of such forecasts.

"(3) In furtherance of the purposes of this Act, the Secretary is authorized to—

"(A) make grants to public or private agencies and institutions and to individuals for training projects, and provide for the conduct of training by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes;

"(B) establish and maintain research fellowships in the Department of the Interior with such stipends and allowances, including traveling and subsistence expenses, as he may deem necessary to procure the assistance of the most promising research fellowships; and

"(C) provide, in addition to the program established under paragraph (1) of this subsection, training in technical matters relating to the causes, prevention, and control of water pollution for personnel of public agencies and other persons with suitable qualifications.

"(4) The Secretary shall submit, through the President, a report to the Congress within eighteen months from the date of enactment of this subsection, summarizing the actions taken under this subsection and the effectiveness of such actions, and setting forth the number of persons trained, the occupational categories for which training was provided, the effectiveness of other Federal, State, and local training programs in this field, together with estimates of future needs, recommendations on improving training programs, and such other information and recommendations, including legislative recommendations, as he deems appropriate.

"(h) The Secretary is authorized to enter into contracts with, or make grants to, public or private agencies and organizations and individuals for (A) the purpose of developing and demonstrating new or improved methods for the prevention, removal, and control of natural or manmade pollution in lakes, including the undesirable effects of nutrients and vegetation, and (B) the construction of publicly owned research facilities for such purpose.

"(i) The Secretary shall—

"(A) engage in such research, studies, experiments, and demonstrations as he deems appropriate, relative to the removal of oil from any waters and to the prevention and control of oil pollution;

"(B) publish from time to time the results of such activities; and

"(C) from time to time, develop and publish in the Federal Register specifications and other technical information on the various chemical compounds used as dispersants or emulsifiers in the control of oil spills.

In carrying out this subsection, the Secretary may enter into contracts with, or make grants to, public or private agencies and organizations and individuals.

"(j) The Secretary shall engage in such research, studies, experiments, and demonstrations as he deems appropriate relative to equipment which is to be installed on board a vessel and is designed to receive, retain, treat, or discharge human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes with particular emphasis on equipment to be installed on small recreational vessels. The Secretary shall report to Congress the results of such research, studies, experiments, and demonstrations prior to the effective date of any standards established under section 13 of this Act. In carrying out this subsection the Secretary may enter into contracts with, or make grants to, public or private organizations and individuals.

"(k) In carrying out the provisions of this section relating to the conduct by the Secretary of demonstration projects and the development of field laboratories and research facilities, the Secretary may acquire land and interests therein by purchase, with appropriated or donated funds, by donation, or by exchange for acquired or public lands under his jurisdiction which he classifies as suitable for disposition. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

"(l)(1) The Secretary shall, after consultation with appropriate local, State, and Federal agencies, public and private organizations, and interested individuals, as soon as practicable but not later than two years after the effective date of this subsection, develop and issue to the States for the purpose of adopting standards pursuant to section 10(c) the latest scientific knowledge available in indicating the kind and extent of effects on health and welfare which may be expected from the presence of pesticides in the water in varying quantities. He shall revise and add to such information whenever necessary to reflect developing scientific knowledge.

"(2) For the purpose of assuring effective implementation of standards adopted pursuant to paragraph (1) the President shall, in consultation with appropriate local, State, and Federal agencies, public and private organizations, and interested individuals, conduct a study and investigation of methods to control the release of pesticides into the environment which study shall include examination of the persistency of pesticides in the water environment and alternatives thereto. The President shall submit a report on such investigation to Congress together with his recommendations for any necessary legislation within two years after the effective date of this subsection."

(3) in redesignated subsection (m)(4) by striking out the words "and June 30, 1969," and inserting in lieu thereof "June 30, 1969, June 30, 1970, and June 30, 1971,";

(4) by amending the first sentence of redesignated subsection (n) to read as follows: "There is authorized to be appropriated to carry out this section, other than subsection (g) (1) and (2), not to exceed $65,000,000 per fiscal year for each of the fiscal years ending June 30, 1969, June 30, 1970, and June 30, 1971. There is authorized to be appropriated to carry out subsection (g)(1) of this section $5,000,000 for the fiscal year ending June 30, 1970, and $7,500,000 for the fiscal year ending June 30, 1971. There is authorized to be appropriated to carry out subsection (g)(2) of this section $2,500,000 per fiscal year for each of the fiscal years ending June 30, 1970, and June 30, 1971.".

SEC. 106. Section 6(e) of the Federal Water Pollution Control Act (33 U.S.C. 466c–1) is amended as follows:

(1) Paragraph (1) is amended by striking out "three succeeding fiscal years" and inserting in lieu thereof "five succeeding fiscal years,".

(2) Paragraph (2) is amended by striking out "two succeeding fiscal years," and inserting in lieu thereof "four succeeding fiscal years,".

(3) Paragraph (3) is amended by striking out "two succeeding fiscal years," and inserting in lieu thereof "four succeeding fiscal years,".

SEC. 107. Redesignated section 24 of the Federal Water Pollution Control Act, as amended, is amended by deleting the following: "the Oil Pollution Act, 1924, or".

SEC. 108. The Oil Pollution Act, 1924 (43 Stat. 604), as amended (80 Stat. 1246–1252), is hereby repealed.

SEC. 109. The Secretary of the Interior shall conduct a full and complete investigation and study of the feasibility of all methods of financing the cost of preventing, controlling, and abating water pollution, other than methods authorized by existing law. The results of such investigation and study shall be reported to Congress no later than December 31, 1970, together with the recommendations of the Secretary for financing the

programs for preventing, controlling, and abating water pollution for the fiscal years beginning after fiscal year 1971, including any necessary legislation.

SEC. 110. (a) The first sentence of section 2 of the Federal Water Pollution Control Act (33 U.S.C. 466–1) is amended by striking out "Federal Water Pollution Control Administration" and inserting in lieu thereof "Federal Water Quality Administration".

(b) Any other law, reorganization plan, regulation, map, document, record, or other paper of the United States in which the Federal Water Pollution Control Administration is referred to shall be held to refer to the Federal Water Quality Administration.

SEC. 111. Section 8(c) of the Federal Water Pollution Control Act is amended in the fourth sentence by inserting after "because of lack of funds" the following: "including States having projects eligible for reimbursement pursuant to the sixth and seventh sentences of this subsection".

SEC. 112. Section 10 of the Federal Water Pollution Control Act, as amended, is amended by adding at the end of subsection (c)(3) the following new sentence: "In establishing such standards the Secretary, the hearing board, or the appropriate State authority shall take into consideration their use and value for navigation."

TITLE II—ENVIRONMENTAL QUALITY

SHORT TITLE

SEC. 201. This title may be cited as the "Environmental Quality Improvement Act of 1970."

FINDINGS, DECLARATIONS, AND PURPOSES

SEC. 202. (a) The Congress finds—

(1) that man has caused changes in the environment;

(2) that many of these changes may affect the relationship between man and his environment; and

(3) that population increases and urban concentration contribute directly to pollution and the degradation of our environment.

(b) (1) The Congress declares that there is a national policy for the environment which provides for the enhancement of environmental quality. This policy is evidenced by statutes heretofore enacted relating to the prevention, abatement, and control of environmental pollution, water and land resources, transportation, and economic and regional development.

(2) The primary responsibility for implementing this policy rests with State and local governments.

(3) The Federal Government encourages and supports implementation of this policy through appropriate regional organizations established under existing law.

(c) The purposes of this title are—

(1) to assure that each Federal department and agency conducting or supporting public works activities which affect the environment shall implement the policies established under existing law; and

(2) to authorize an Office of Environmental Quality, which, notwithstanding any other provision of law, shall provide the professional and administrative staff for the Council on Environmental Quality established by Public Law 91–190.

OFFICE OF ENVIRONMENTAL QUALITY

SEC. 203 (a) There is established in the Executive Office of the President an office to be known as the Office of Environmental Quality (hereafter in this title referred to as the "Office"). The Chairman of the Council on Environmental Quality established by Public Law 91–190 shall be the Director of the Office. There shall be in the Office a Deputy Director who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) The compensation of the Deputy Director shall be fixed by the President at a rate not in excess of the annual rate of compensation payable to the Deputy Director of the Bureau of the Budget.

(c) The Director is authorized to employ such officers and employees (including experts and consultants) as may be necessary to enable the Office to carry out its functions under this title and Public Law 91–190, except that he may employ no more than ten specialists and other experts without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and pay such specialists and experts without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but no such specialist or expert shall be paid at a rate in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of title 5.

(d) In carrying out his functions the Director shall assist and advise the President on policies and programs of the Federal Government affecting environmental quality by—

(1) providing the professional and administrative staff and support for the Council on Environmental Quality established by Public Law 91–190;

(2) assisting the Federal agencies and departments in appraising the effectiveness of existing and proposed facilities, programs, policies, and activities of the Federal Government, and those specific major projects designated by the President which do not require individual project authorization by Congress, which affect environmental quality;

(3) reviewing the adequacy of existing systems for monitoring and predicting environmental changes in order to achieve effective coverage and efficient use of research facilities and other resources;

(4) promoting the advancement of scientific knowledge of the effects of actions and technology on the environment and encourage the development of the means to prevent or reduce adverse effects that endanger the health and well-being of man;

(5) assisting in coordinating among the Federal departments and agencies those programs and activities which affect, protect, and improve environmental quality;

(6) assisting the Federal departments and agencies in the development and interrelationship of environmental quality criteria and standards established through the Federal Government.

(7) collecting, collating, analyzing, and interpreting data and information on environmental quality, ecological research, and evaluation.

(e) The Director is authorized to contract with public or private agencies, institutions, and organizations and with individuals without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5) in carrying out his functions.

REPORT

SEC. 204. Each Environmental Quality Report required by Public Law 91–190 shall, upon transmittal to Congress, be referred to each standing committee having jurisdiction over any part of the subject matter of the Report.

AUTHORIZATION

SEC. 205. There are hereby authorized to be appropriated not to exceed $500,000 for the fiscal year ending June 30, 1970, not to exceed $750,000 for the fiscal year ending June 30, 1971, not to exceed $1,250,000 for the fiscal year ending June 30, 1972, and not to exceed $1,500,000 for the fiscal year ending June 30, 1973. These authorizations are in addition to those contained in Public Law 91–190.

JOHN A. BLATNIK,
ROBT. E. JONES,
JIM WRIGHT,
GEORGE H. FALLON,
WILLIAM C. CRAMER,
WM. HARSHA,
JAMES R. GROVER, JR.,
Managers on the Part of the House.

EDMUND S. MUSKIE,
JENNINGS RANDOLPH,
BIRCH BAYH,
JOSEPH M. MONTOYA,
J. CALEB BOGGS,
JOHN SHERMAN COOPER,
HOWARD BAKER,
Managers on the Part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4148) to amend the Federal Water Pollution Control Act, as amended, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendment to the text of the bill struck out all of the House bill after the enacting clause and inserted a substitute. The House recedes from its disagreement to the amendment of the Senate, with an amendment which is a substitute for both the House bill and the Senate amendment. The differences between the House bill and the substitute agreed to in conference are noted below except for minor technical and clarifying changes made necessary by reason of the conference agreement.

CONTROL OF POLLUTION BY OIL

House bill

Section 2 of the House bill adds seven new sections to the Federal Water Pollution Control Act. The proposed new section 17 deals with control of pollution by oil and other matter.

Section 17(a) would define various terms used in this new section.

Paragraph (1) would define the term "oil" to include fuel oil, sludge, and oil refuse, but to exclude oil mixed with dredged spoil.

Paragraph (2) would define the term "matter" to include any substance which, when discharged in substantial quantities, presents, in the judgment of the Secretary of the Interior, an imminent and substantial hazard to the public health or welfare. The definition specifically excludes from this term oil, dredged spoil, and sanitary wastes, and certain material now covered by the Atomic Energy Act of 1954. Under this definition, the Secretary would be expected to publish a list from time to time of the types of substances included in this definition in order to inform the public in accordance with established administrative procedures.

Paragraph (3) defines the term "discharge."

Paragraph (4) defines the term "remove or removal" to mean the taking of reasonable and appropriate measures to mitigate the potential damage that a discharge of oil or matter might have on the public health or welfare including fish, shellfish, wildlife, and private and public beaches and shorelines.

Paragraphs (5) and (6) define the terms "vessel" and "public vessel."

Paragraph (7) defines the term "United States."

Paragraph (8) defines the term "owner or operator."

Paragraph (9) defines the term "person."

Paragraph (10) defines the term "contiguous zone" which means the zone established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone.

Section 17(b) would require that any individual in charge of a vessel, other than a public vessel or an offshore or onshore facility or a Federal or State facility, at the time of a discharge of oil in substantial quantities into the navigable waters of the United States or into the waters of the contiguous zone must immediately notify either the Secretary of the Interior or the Coast Guard as soon as he has knowledge of the discharge.

This section would also provide a criminal penalty for any individual in charge of such vessel or facility who fails to notify the Secretary or the Coast Guard of a discharge. The term "individual in charge" is deliberately designed to cover only supervisory personnel who have the responsibility for the particular vessel or facility and not to include other employees.

Section 17(c)(1) would prohibit the discharge of oil or matter in substantial quantities from any vessel into or upon the navigable waters of the United States or adjoining shorelines or beaches, or into or upon the waters of the contiguous zone, if such oil threatens to pollute or contribute to the pollution of the territorial sea of the United States, and subjects violators to the penalties in section 17(c)(2). The section excepts from this prohibition various circumstances such as acts of war or sabotage or acts of God, or unavoidable accidents, collisions, or strandings, or discharges permitted under article IV of the 1954 International Convention for the Prevention of Pollution of the Sea by Oil.

Section 17(c)(2) would provide a civil penalty against the owner or operator of a vessel, except a public vessel, and against the vessel of up to $10,000 where there is a willful or negligent discharge of oil or matter in substantial quantities from such vessel. No penalty can be assessed unless the owner or operator or vessel is given notice and an opportunity for a hearing. Each violation is a separate offense. The penalties will be assessed by the Coast Guard. In determining the amount of the penalty or in compromising the penalty, the Coast Guard must take into consideration the size of the business, the ability of the owner or operator to continue in business, and the gravity of the violation. Provision is made for withholding clearance of the vessel until the penalty is paid and for the filing of bonds or other sureties. The penalty will constitute a lien on the vessel which may be recovered in an action in rem.

Section 17(d)(1) would require that the United States remove or arrange for the removal of any oil or matter discharged into any waters, shorelines, or beaches, when in the judgment of the Secretary of the Interior, such discharged oil or matter presents an actual or threatened pollution hazard without regard to any question of fault. Under this section, the United States would only exercise this authority if the United States determines that the owner or operator or a vessel or facility has not made adequate arrangements for removal of the oil or matter as required by this legislation.

Section 17(d)(2) would authorize the United States, in the case of a marine disaster within the navigable waters of the United States which has created a substantial threat of a pollution hazard because of an actual or imminent discharge of oil or matter from the vessel,

to coordinate and direct public and private efforts in the removal or alleviation of the threat, and to remove summarily and if necessary destroy the vessel by whatever means are available. The expense of removing the vessel shall be charged against the vessel's cargo and the owner or operator where it is shown that negligent operation of the vessel caused or contributed to the marine disaster. If the owner or operator fails to reimburse the United States of such expense within a specified time, the United States may sell the vessel or its cargo, and deposit the proceeds in the revolving fund established by this section.

Section 17(e)(1) would require that the owner or operator of a vessel who willfully or negligently discharges or permits or causes or contributes to the discharge of oil or matter into the navigable waters of the United States or adjoining shorelines or beaches, or into the waters of the contiguous zone, immediately remove the discharged oil or matter in accordance with the regulations prescribed by this section. In any case where the United States removes the oil or matter, the vessel and the owner or operator shall be liable to the United States for the cost thereof. The liability to the United States, however, with respect to each offending vessel and the owner or operator of each offending vessel shall not exceed $10 million or $100 per gross registered ton, whichever is the lesser amount. This limitation on liability is intended to be the only limitation on liability for discharge of oil or matter under this section, notwithstanding any other provisions of law. This section would provide for the withholding of clearance of a vessel until these costs are paid and for posting of bonds or other sureties. It also provides for the establishment of a maritime lien on the vessel which may be recovered in an action in rem.

This section would also authorize the United States to bring an action against the owner or operator in any court of competent jurisdiction to recover such costs. The United States shall also have a cause of action against any other owner or operator or vessel whose willful act or negligence was found to cause or contribute to the discharge of the oil where there has been a collision or other casualty.

Section 17(e)(2) would provide that, in case of any action instituted by the United States to recover its cost of cleanup and certain penalties under this section, the evidence of a discharge of oil or matter shall constitute a prima facie case of liability to the United States on the part of the owner or operator of the vessel or the person owning or operating an onshore or offshore facility. The burden of rebutting such prima facie case would be on the owner or operator or person as appropriate. This burden, however, shall not affect any rights which such owner or operator or person may have against other vessels or facilities or owners or operators or persons whose willful act or negligence may in some way have caused or contributed to the discharge.

Section 17(f)(1) would require that any person who owns or operates an onshore facility other than a Federal- or State-owned facility and who willfully or negligently discharges or permits the discharge of oil or matter into any waters must immediately remove the oil or matter in accordance with the regulations prescribed under this section.

Section 17(f)(2) would require that any person who owns or operates an offshore facility other than a Federal or State facility which is

located within the seaward boundaries of a State as defined in the Submarginal Lands Act of 1953, and who willfully or negligently discharges or permits the discharge of oil or matter from such facility into any waters or shorelines or beaches, must immediately remove the oil or matter under the regulations prescribed under this section.

Section 17(f)(3) would provide that if the United States removes oil or matter discharged from any onshore or offshore facility just mentioned, the person who owns or operates the facility shall be liable to the United States for the cost incurred therein provided that such liability shall not exceed $8 million. The Secretary shall establish by regulation, in consultation with the Secretary of Commerce and the Small Business Administration, reasonable and equitable classifications of onshore facilities and activities and apply with respect to such classifications differing limits of liability which may be less than such $8 million limitation and none of which shall be in excess of $8 million. The classifications would take into account the types of businesses and other facilities affected. The provisions of section 17(f)(3) shall not apply to any onshore facility until it comes within the classification established by the Secretary. The Secretary's classification, however, shall not be established until the expiration of at least 60 days after notification to the Congress of such intended classification.

Section 17(f)(5) would provide that the provisions in section 17(f) relative to the imposition of any requirement or liability limitations on onshore or offshore facilities with respect to the discharge of oil or matter into any waters within the jurisdiction of a State shall not be considered as an attempt to preempt the authority of the State or any political subdivision thereof to impose additional requirements on such facilities.

Section 17(g)(1) would require that within 60 days after the enactment of this section the Secretary of the Interior must issue regulations establishing environmental quality criteria relative to methods and procedures of removing discharged oil and matter and that the Coast Guard must by regulations establish procedures, methods, or equipment consistent with such regulations for the removal of such discharged oil or matter. The objective of these regulations would be to insure that the waters, beaches, and shorelines, including the marine environment, will not be damaged through the use of harmful chemicals or other materials. This section would also provide for the issuance, by the Coast Guard of regulations establishing procedures, methods, and equipment to prevent discharges of oil from vessels, within 60 days after enactment. These regulations may be revised from time to time.

Section 17(g)(2) would establish civil penalties for the violation of any regulations issued under subsection 17(g)(1) relative to the removal of discharged oil or matter. Each violation would be a separate offense and the Coast Guard would assess the penalty and other compromise. The penalty shall not be assessed until notice and an opportunity for a hearing have been given. In order to collect the penalty finally, the United States would have to file a civil action in the U.S. district courts which will provide a de novo proceeding.

Section 17(h)(1) of the bill would establish a revolving fund in the Treasury to be administered by the Coast Guard of not to exceed $20 million and authorize appropriations in that amount to the fund

as well as the depositing of other revenues received by the United States under this section 17 of the act. Sums deposited into the fund shall be available to reimburse a State or political subdivision thereof that assists in the removal of any discharged oil or matter. The moneys in the fund shall be available until expended.

Section 17(h)(2) would provide for the delegation by the President within 90 days after the enactment of this section of the authority for the United States to remove discharged oil or matter to the Coast Guard or to the Secretaries of Defense or Interior or other Federal agencies in accordance with any national contingency plan or revision thereof which has been approved by the President, including regional contingency plans. Each agency to which this authority is delegated will be able to utilize the personnel, services, and facilities of other Federal and State agencies.

Section 17(h)(3) would authorize the Secretary of the Interior to issue regulations in consultation with the Coast Guard permitting discharges of oil or matter under such conditions as he may prescribe and at time and locations deemed appropriate by him.

Section 17(h)(4) would provide that the provisions prohibiting discharges of oil or matter from vessels and the regulations issued under section 17(g) of this section shall be enforced by the Coast Guard and that the Coast Guard may utilize the services of other Federal and State agencies in carrying out these provisions.

Section 17(h)(5) would authorize the Coast Guard to board and inspect facilities and to make arrests in connection with any violations of this act.

Section 17(h)(6) would provide for the bringing of actions in certain courts where violations have occurred in Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

Section 17(i) would provide that the provisions of section 17 shall not affect or modify the obligations of any owner or operator of any vessel or onshore or offshore facility under other provisions of law for damages to public or privately owned property which might occur as a result of a discharge of oil or matter or as a result of actions taken in the removal of such discharges.

Section 17(j) would provide that the provisions of section 17 shall not be construed as authorizing either the Secretary of the Interior or the Coast Guard to regulate the operations or construction of any onshore or offshore facility. This section also would provide that the provisions of section 17 shall not be construed as affecting or modifying any other existing authorities of either Secretary relative to such facilities under this act or any other provision of law.

Section 17(k)(1) would provide that any vessel over 100 gross registered tons which uses any port or place in the United States or the navigable waters of the United States for any purpose must establish evidence of financial responsibility to meet the maximum potential liability to the United States which the vessel could be subjected to for the willful or negligent discharge of oil or matter under this section. The financial responsibility should be established pursuant to regulations to be prescribed from time to time by the agency head to which the President has delegated this responsibility. Financial responsibility may include insurance policies, bonds, evidence of self-insurance, or evidences of such responsibility that the

agency head deems appropriate. All bonds filed must be issued by a bonding company authorized to do business in the United States. Provisions of financial responsibility also apply to barges that are equivalent in size to vessels over 100 tons.

Section 17(k)(2) would provide that the financial responsibility provisions of section 17(k)(1) shall become effective 1 year after enactment of this section. The President is required to delegate this responsibility to the appropriate agency head within 60 days after enactment. In addition, the necessary regulations to implement this section must be issued within 6 months after the effective date of the section.

Section 17(k)(3) directs that the Secretary of Transportation, in consultation with the Secretaries of Interior, State, Commerce, and other Federal agencies such as the Small Business Administration and representatives of various industries such as the merchant marine, oil, and insurance industries and other interested persons conduct a study relative to other measures to provide financial responsibility and limitations of liability with regard to vessels and measures to provide financial responsibility for onshore and offshore facilities, and finally measures relative to the limitations of liability on such facilities in relation to the cost of removing discharged oil or matter and the payment of all damages that may result from the discharge of oil or matter and from the removal of the discharges. The study is to be completed by January 1, 1971, and a report sent to the Congress with appropriate recommendations, including legislative recommendations.

Senate amendment

Section 102 of the Senate amendment would, among other things, add to the Federal Water Pollution Control Act a new section 12 relating to control of oil discharges.

The new section 12 is concerned with the control and cleanup of oil discharges into inland waters of the United States and waters of the U.S. territorial seas, and in the case of vessels, into the waters of the 9-mile zone contiguous to the territorial sea. It does not apply to discharges from offshore facilities covered by leases and regulations under the Outer Continental Shelf Lands Act, but does not in any way affect claims to persons or agencies damaged by such discharges.

Section 12(a) would define the various terms used in the section.

The definition of "oil" is very broad, and only specifically excludes dredged spoil.

The definition of "discharge" is designed to cover by its broad terms all possible means of fouling the waters with oil.

The definition of a "vessel" is identical to that in section 3, Title 1, United States Code, and would include all vessels, both foreign and domestic.

The definition of the term "public vessel" would cover Federal- and State-owned and operated vessels and vessels owned and operated by a foreign country, except those not engaged in commerce.

The definition of "United States" includes Guam, American Samoa, the Virgin Islands, Puerto Rico, the Canal Zone, and the Trust Territory of the Pacific Islands, as well as all the States and the District of Columbia.

40-226 O—70——3

The definition of "owner and operator" would include individuals or organizations, such as a corporation, association, firm, or partnership, that own, operate, charter by demise, a vessel, or own or operate an onshore or offshore facility.

The definition of a "contiguous zone" is the zone established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone (TIAS 5639).

The definition of "onshore and offshore facilities" distinguishes between drilling and production facilities and other facilities. Drilling and production facilities and related appurtenances, such as pipelines, platforms, barges used for drilling purposes, etc., are those that are used or capable of being used solely for the purpose of exploring for, drilling, or producing oil. The other facilities are those that are used or capable of being used to process, transport, or transfer oil, or to store oil commercially. Neither definition applies to individual homes where oil is stored, or small businesses other than marine facilities which are used or capable of being used to store 500 barrels of oil or less. Few existing or planned service stations have a storage capacity of more than 500 barrels. In either case, the facility could be located either permanently or temporarily on dry land or land under the navigable waters of, the United States which includes inland waters and coastal waters out to the 3-mile territorial sea limit.

The definition of an "act of God" means an act occasioned exclusively by violence of nature without the interference of any human action.

Section 12(b)(1) would prohibit all oil discharges into U.S. waterways and the waters of the contiguous zone from any source, except where permitted under a 1954 convention, and where permitted by regulations issued by the President. Such regulations must be consistent with maritime laws and regulations and water quality standards.

Section 12(b)(2) would authorize a civil penalty for knowingly violating the regulations promulgated under the previous section. If payment is not forthcoming administratively, such penalty may be collected in the Federal district court in a de novo proceeding.

Section 12(c) would require any person in charge of a vessel or an offshore or onshore facility at the time of a discharge of oil into the navigable waters of the United States or into the waters of the contiguous zone to notify immediately the United States. This section would also provide a criminal penalty for any person in charge of such vessel or facility who knowingly fails to notify the United States. The term "person in charge" is deliberately designed to cover only supervisory personnel who have the responsibility for the particular vessel or facility and not to include other employees. The purpose of the notice provision is to prevent or mitigate damage and facilitate cleanup. Such notice and information contained therein may not be used in any criminal action under Federal or State laws.

Section 12(d)(1) would direct the President to issue regulations to govern the removal of oil which is discharged, aid in the enforcement of this section, prevent oil pollution, and establish criteria for oil removal contingency plans. The regulations will also cover procedures to review and approve, where appropriate, such plans of owners or operators as well as public agencies.

Section 12(d)(2) would authorize a civil penalty for violating the above regulations. If payment is not forthcoming administratively, such penalty may be collected in the Federal district court in a de novo proceeding.

Section 12(e) would require that when oil is discharged in violation of section 12(b) the oil must be removed immediately under the above regulations. It would provide, if the discharger fails, or is unable to act to remove the oil, authority for the President may take appropriate measures to remove the oil either directly or by contract. If the discharger acts improperly the President could also act to remove the oil.

Section 12(f) would limit the liability of a vessel owner or operator for the cost of removal of discharged oil by the United States to up to $125 per gross ton of the vessel, or $14 million, whichever is less. This limitation, however, would not apply if the discharge was the result of a negligence or a willful act on the part of the owner or operator or his agents, employees, etc. In such case, the owner or operator would be liable for all costs of removal borne by the United States. The owner or operator may not be held liable, however, for these costs if he can prove the discharge was caused solely by an act of God or war or negligence of the U.S. Government or any act of a third party.

Section 12(f)(2) would provide that any vessel over 300 gross tons which uses any port or place in the United States or the navigable waters of the United States for any purpose must establish evidence of financial responsibility of $100 per gross ton to meet the maximum potential liability to the United States which the vessel could be subjected to for the discharge of oil under section 12(f)(1). The financial responsibility should be established pursuant to regulations to be prescribed from time to time by the agency head to which the President has delegated this responsibility. Financial responsibility may include insurance policies, bonds, evidence of self-insurance, or evidences of such responsibility that the agency head deems appropriate. All bonds filed must be issued by a bonding company authorized to do business in the United States. Provisions of financial responsibility also apply to barges that are equivalent in size to vessels over 300 tons.

Section 12(g) would require that a person in the United States be designated for service of process in matters arising under section 12.

Section 12(h) would direct that the Secretary of the Treasury withhold clearance of a vessel, other than a public vessel, that is liable for any costs or penalties to the United States under section 12 or has failed to meet the requirements for financial responsibility.

Section 12(i)(1) would limit the liability of an owner or operator of a nondrilling-production facility to the United States for the cost incurred in removing discharged oil to $125 per ton of oil which such facility is capable, while operating at maximum capacity, of either processing, transporting, transferring in any 24-hour period, or storing in its largest unit. The limitation, however, would not apply if the discharge was the result of negligence or a willful act of the owner or operator, his agent, or any employee thereof. Also, the owner or operator would not be liable for such costs if he is able to prove that the discharge was caused solely by an act of God or war, or solely by negligence of the U.S. Government or solely by an act of a third party. In determining the amount of the liability, the owner or operator would be required to establish conclusively the capacity of the facility.

Section 12(i)(2) would establish the liability of an owner or operator to the United States for oil discharges from an onshore or offshore drilling-production facility of not to exceed $8 million. This limitation, however, would not apply if the discharge was due to a negligent or willful act on the part of the owner or operator, his agent, or any employee thereof. The owner or operator would not be responsible for costs where he can prove that the discharge was caused solely by an act of God or war or solely by the act of a third party or solely by negligence of the U.S. Government.

Section 12(j) provides that in any instance where the owner or operator removes the discharged oil and he is subsequently able to prove in a suit brought against the United States in the Court of Claims that the discharge was caused solely by an act of a third party or an act of God or war or by negligence on the part of the U.S. Government, the owner or operator is entitled to recover such costs from the fund established under section 12(k). If the discharge was caused solely by an act of a third party, the United States shall be subrogated to any rights that the owner or operator may have against such third party. This section does not apply to cases where liability is established under the Outer Continental Shelf Lands Act. The United States, of course, would have normal rights of appeal.

Section 12(k) would authorize the President to delegate his functions under section 12 to one or more appropriate Federal agencies. It would authorize a revolving fund. The maximum amount in the fund from appropriations would be $50 million.

Section 12(l) would establish that the provisions of section 12 are not intended to affect the rights of an owner or operator or the U.S. Government against third parties who may have caused or contributed to an oil discharge.

Section 12(m) would grant enforcement authority in carrying out provisions of section 12.

Section 12(n) would authorize the United States in cases where the President determines that there is an imminent and substantial threat to the public health or welfare, because of an actual threat or discharge of oil into the navigable waters of the United States from a vessel, to take immediate possession of the vessel and such other action that may be appropriate. Any expenses incurred by the United States could be recovered subject to the same limitations found in sections 12 (f) and (g).

Similarly, the President under the same conditions may require that the U.S. attorney seek relief to abate any actual or threatened discharge of oil from any onshore or offshore facility.

Section 12(o) would provide jurisdiction in the Federal district courts and in various other district courts relative to Guam, the Virgin Islands, American Samoa, Trust Territory of the Pacific Islands, and the Canal Zone.

Section 12(p) would provide that the provisions of section 12 shall not be construed as affecting or modifying any other existing authorities under the Federal Water Pollution Control Act, as amended, or any other Federal law or any State or local law not in conflict with the provisions of section 12.

Section 12(q) would provide that section 12 will not affect or modify the obligations of any owner or operator for damages to persons or property resulting from the discharge of oil or from the removal of such oil.

Conference substitute

Section 102 of the conference substitute would add a new section 11 to the Federal Water Pollution Control Act. This proposed new section 11 deals solely with the control of pollution by oil.

Subsection (a) contains definitions. The definitions of "oil", "discharge", "vessel", "public vessel", "United States", "person", and "contiguous zone" are essentially identical with those definitions in the House bill. The definition of the term "owner or operator" would provide in the case of a vessel that it is the person owning, operating, or chartering by demise, and in the case of an onshore or offshore facility, it is the person owning or operating such facility, and in the case of an abandoned offshore facility, it is the person who owned or operated the facility immediately prior to its abandonment.

As a result of this definition, if an offshore facility has been abandoned by its former owner, and thereafter discharges oil in violation of this section, such former owner would be responsible under the provisions of this act for such subsequent discharge. The definition of the term "remove" or "removal" has been clarified to include specifically public or private property, shorelines, and beaches. The definition of "onshore facility" means any facility (including motor vehicles and rolling stock) of any kind located in, on, or under any land within the United States other than submerged land. Thus, it is made clear that tank trucks and railroad tank cars are included in the definition as well as all other facilities such as storage tanks or refineries from which oil could be discharged into the waters in question. The definition would not include, however, facilities which are built upon any submerged lands in the United States.

The definition of "offshore facility" means any facility of any kind located in, on, or under any of the navigable waters of the United States other than a vessel or public vessel. This would include offshore drilling rigs as well as all other offshore facilities within the navigable waters of the United States which, in the case of the coastal waters would extend to the seaward boundaries of the States within the meaning of the Submerged Lands Act. The term "act of God" is defined to mean an act occasioned by an unanticipated grave natural disaster. This definition varies from that of the Senate definition and, under this definition, only those acts about which the owner could have had no foreknowledge, could have made no plans to avoid, or could not predict would be included. Thus, grave natural disasters which could not be anticipated in the design, location, or operation of the facility or vessel by reason of historic, geographic, or climatic circumstances or phenomena would be outside the scope of the owner's or operator's responsibility. The definition of the term "barrel" is established at 42 U.S. gallons at 60° F.

Paragraph (1) of subsection (b) is a declaration of policy by Congress that there ought not be discharges of oil into or upon the navigable waters, adjoining shorelines, or the waters of the contiguous zone.

Paragraph (2) of subsection (b) prohibits the discharge of oil in the navigable waters, adjoining shorelines, or the waters of the contiguous zone, in harmful quantities as determined by the President under paragraph (3) with two exceptions: (A) discharges into the waters of the contiguous zone where permitted under article IV of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended, and (B) where permitted in quantities at times and locations

or under circumstances or conditions which the President by regulations determines not to be harmful. The President's regulations are required to be consistent with maritime safety, marine navigation laws and regulations, and applicable water quality standards.

Paragraph (3) of subsection (b) requires the President, by regulations to be issued as soon as possible, to determine for the purposes of this section those quantities of oil the discharge of which will be harmful to the public health or welfare of the United States, including fish, shellfish, wildlife, and public and private property, shorelines, and beaches with the exception that, in the case of oil discharged in the contiguous zone, only those discharges which threaten the fishery resources of the zone or threaten to pollute or contribute to the pollution of the territory or territorial sea of the United States may be determined to be harmful.

Paragraph (4) requires anyone in charge of a vessel or of an onshore or offshore facility, as soon as he has knowledge of any discharge of oil from that vessel or facility in violation of this section, to immediately notify the appropriate U.S. agency. Failure to do so subjects such person to a fine of not more than $10,000 or imprisonment for not more than a year, or both. This notification, however, is not to be used against any such person in any criminal case other than one for perjury or giving a false statement.

Paragraph (5) of this subsection imposes a civil penalty on the owner or operator of a vessel or onshore or offshore facility from which oil is knowingly discharged in violation of this section. This penalty is not to exceed $10,000 and is not to be assessed unless the owner or operator charged has been given notice and opportunity for hearing. Each violation is a separate offense, and the civil penalty may be compromised by the Secretary. The Secretary of the Treasury is required to withhold clearance from port of any vessel the owner or operator of which is subject to the foregoing penalty. Clearance may be granted upon filing of a bond or other satisfactory surety.

Paragraph (1) of subsection (c) authorizes the President to act to remove or arrange for the removal of any oil discharged into the navigable waters, adjoining shorelines, or the waters of the contiguous zone. If he determines the removal will be properly done by the owner or operator of the vessel or facility from which the discharge occurs, he may permit them to do so. The conferees wish to make it clear that the basic responsibility for necessary cleaning up in these situations is placed upon the President. This is not to be construed to inhibit or prevent any owner or operator from undertaking whatever action is necessary to contain or remove an oil discharge.

Paragraph (2) of subsection (c) would require the President, within 60 days, to prepare and publish a National Contingency Plan for the removal of oil. The Plan shall provide for efficient, coordinated, and effective action to minimize damage from oil discharges, including containment, dispersal, and removal of oil. The Plan is to include (A) assignment of duties and responsibilities, (B) identification, procurement, maintenance, and storage of equipment and supplies, (C) establishment of a strike force and emergency task forces, (D) a system of surveillance and notice, (E) establishment of a national center to coordinate and direct operations, (F) procedures and techniques to be employed in identifying, containing, dispersing and removing oil, and (G) a schedule identifying dispersants and other

chemicals that may be used in carrying out the plan, the waters in which they may be used, and quantities which may be safely used. In the case of a dispersant, chemical or waters not specifically identified in the schedule, the President or his delegate may on a case-by-case basis, identify the dispersant or chemicals which may be used, the waters in which they may be used, and the quantities which may safely be used. The plan may be revised from time to time. Once the plan is published, however, removal of oil and actions to minimize damage therefrom shall, to the greatest extent possible, be in accordance with the plan.

The President is given general authority by subsection (l) of this section to delegate his responsibilities under this section. It is the hope of the conferees that with respect to the provisions of subsection (c)(2) (C) and (D) such responsibilities will be delegated to the Coast Guard and with respect to subsection (c)(2)(G) such responsibilities will be delegated to the Secretary of the Interior.

Subsection (d) provides authority for the United States to remove, and if necessary, to destroy vessels in cases where they pose a substantial threat of a pollution hazard through the discharge of oil. This is almost identical to the equivalent provision in the House bill with the exception that in lieu of the House provision making the expense of removal a charge against the vessel, its cargo, and owner and permitting the sale thereof, there has been substituted a provision from the Senate amendment which states that the expense incurred under this subsection will be deemed to be a cost incurred by the United States in the removal of oil for the purposes of liability under subsection (f) of this section.

Subsection (e) authorizes the President when there is an imminent and substantial threat to the public health and welfare because of an actual or threatened discharge of oil from an onshore or offshore facility to require the U.S. attorney for the district where the threat occurs to secure such relief as may be necessary to abate the threat, and the district courts of the United States are given jurisdiction to grant such relief as the public interest and equity may require.

Subsection (f) establishes the liability of owners and operators of vessels and on or offshore facilities for cleanup costs.

Paragraph (1) of subsection (f) provides that the owner or operator of a vessel from which oil is discharged in violation of subsection (b)(2) of this section shall be liable to the United States for actual costs incurred under subsection (c) for removal of that oil with a limit of liability of not to exceed $100 per gross ton of the vessel or $14 million, whichever is lesser. The owner or operator will have no liability if he can prove that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States, or (D) an act or omission of a third party whether or not negligent, or any combination of the foregoing clauses. Such owner or operator shall be liable without limitation if the United States can show that the discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner. These removal costs are to be a maritime lien on the vessel recoverable in an action in rem against the vessel and in addition the United States may bring an action against the owner or operator for these costs. The inclusion of specific language relating to the maritime lien and actions against the owner or operator are for the purposes of clarification only.

Paragraph (2) of subsection (f) provides that the owner or operator of an onshore facility is liable for actual costs for removal of oil discharged from that facility in violation of subsection (b)(2) of this section in an amount not to exceed $8 million. If such owner or operator can prove such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States, or (D) an act or omission of the third party whether or not negligent or any combination thereof, then such owner or operator shall have no liability. If the United States can show the discharge was a result of willful negligence or misconduct within the privity and knowledge of the owner, then the owner is liable for the full cost without limitation. The United States is authorized to bring an action against the owner or operator in any court of competent jurisdiction to recover these costs. Additionally the Secretary is authorized by regulation, after he has consulted with the Secretary of Commerce and the Small Business Administration, to establish classifications of those onshore facilities having a total fixed storage capacity of a thousand barrels or less which he determines do not present a substantial risk and apply with respect to these classifications differing limits of liability which may be less than the $8 million limit established statutorily by this paragraph.

Paragraph (3) of subsection (f) provides that the owner or operator of an offshore facility from which oil is discharged in violation of subsection (b)(2) of this section shall be liable to the United States for removal costs in an amount not to exceed $8 million. If such owner or operator can prove that the discharge is caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States, or (D) an act or omission of a third party whether or not negligent, or any combination thereof, then such owner or operator will have no liability. If the United States can show that the discharge was the result of willful negligence or misconduct within the privity and knowledge of the owner then he is liable for the full amount. The United States is authorized to bring an action against the owner or operator in a court of competent jurisdiction to recover these costs.

Subsection (g) of this section provides that in any case where an owner or operator of a vessel or of an onshore or offshore facility from which oil is discharged in violation of this section proves that the discharge is caused solely by an act or omission of a third party or solely by such act or omission in combination with an act of God, an act of war, or negligence on the part of the United States, then such third party shall be liable to the United States for the actual costs of removing the oil unless that third party can in turn prove that the discharge was caused solely by an act of God, an act of war, negligence on the part of the United States or the act or omission of another party or any combination thereof. If the third party is the owner or operator of a vessel which caused the discharge, then that third party's liability is limited to $100 per gross ton of such vessel or $14,000,000, whichever is the lesser. In any other case the liability of the third party is limited by that which would have been applicable to the owner or operator of the vessel or facility from which the discharge actually occurred if such owner or operator would have been liable. If the United States proves the discharge of oil was the result of willful negligence or misconduct within the privity and knowledge of the third party, then such third party shall be liable for the full

amount of the removal costs. The United States is authorized to bring a suit in a court of competent jurisdiction to recover these removal costs.

Subsection (h) provides that the liability established by this section will not affect any rights which the owner or operator of the vessel or onshore or offshore facility may have against third parties whose acts in any way may have caused or contributed to the discharge of oil, or which the United States may have against any such party.

Paragraph (1) of subsection (i) authorizes an owner or operator from whose vessel or facility oil has been discharged and who voluntarily removes the oil in accordance with regulations to recover reasonable costs incurred in that removal in a suit against the United States in the court of claims if such owner or operator can prove that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States, or (D) an act or omission of a third party without regard to its negligence, or any combination of the foregoing.

Paragraph (2) of subsection (i) provides that this subsection will not apply where liability is established by regulations adopted under authority of the Outer Continental Shelf Lands Act.

Paragraph (3) of subsection (i) authorizes the payment from the revolving fund established in subsection (k) of this section of any judgment entered against the United States under this subsection.

Paragraph (1) of subsection (j) requires the President, as soon as practicable and consistent with the national contingency plan, and maritime safety, and marine and navigation laws, to establish methods and procedures for removal of discharged oil, to establish criteria for the development and implementation of local and regional oil removal contingency plans, to establish procedures, methods, and requirements for equipment to prevent discharges of oil from vessels and onshore and offshore facilities, and regulations governing the inspection of vessels carrying oil as cargo, including inspecting such cargoes all for the purpose of reducing the likelihood of discharges of oil from such vessels. This language is in very general terms, and it is the understanding of all of the conferees that under this authority the President would be authorized by regulation to require vessels and facilities to carry on board or otherwise have available materials and equipment determined necessary to prevent and to clean up oil discharges.

Paragraph (2) of subsection (j) provides for a civil penalty of up to $5,000 for each violation of the regulations issued under this subsection. Authority is granted the President to compromise these penalties.

Subsection (k) authorizes the establishment of a revolving fund in the Treasury of not to exceed $35 million to carry out the provisions of subsections (c) (relating to the removal of oil which has been discharged), (i) (relating to costs payable by the United States for removal by volunteers), and (l) (relating to the administration of the section generally), as well as section 12 of this act (relating to the removal of hazardous polluting substances). Any other funds received by the United States under this section are to be deposited in this fund. Moneys in the fund are to be available until expended.

Subsection (l) is general authority to the President to delegate the administration of this section to the heads of those departments, agencies, and instrumentalities which he determines to be appropriate. Any department, agency, or instrumentality in which functions

are vested is to avoid duplication of effort and to utilize personnel, services, and facilities of other departments, agencies, and instrumentalities wherever appropriate.

Subsection (m) provides that any person authorized by the President to enforce this section may, except as to public vessels, board and inspect vessels, arrest violators, and execute warrants or other process issued by an officer or court of competent jurisdiction. It is the hope of the conferees that the responsibility for this subsection will be vested in the Coast Guard.

Subsection (n) vests the district courts of the United States with jurisdiction for actions brought under this section other than those specifically authorized in the Court of Claims by subsection (i)(1). It further designates in the case of territories and possessions which of the district courts such actions shall be brought in.

Paragraph (1) of subsection (o) provides that nothing in this section will affect or modify the obligations of an owner or operator of a vessel or facility from which oil is discharged to any other person or agency under any provision of law for damages resulting from that discharge or the removal of that oil.

Paragraph (2) of subsection (o) disclaims any intention of preempting any State or political subdivision from imposing any requirement or liability with respect to the discharge of oil into waters in that State. Thus, any State would be free to provide requirements and penalties similar to those imposed by this section or additional requirements and penalties. These, however, would be separate and independent from those imposed by this section and would be enforced by the States through its courts.

Paragraph (3) of subsection (o) insures that nothing in this section is to be construed as affecting or modifying any other existing authority of any Federal department, agency, or instrumentality relative to onshore or offshore facilities under this Act, or any other provision of law, or to affect any State or local law not in conflict with this section.

Subsection (p) is essentially the same as the equivalent provisions of the House bill relating to the financial responsibility of vessels except that where the House bill required vessels over 100 gross registered tons to establish evidence of financial responsibility, this provision requires vessels over 300 gross tons to do so and the limits of liability are specified to be the same as those contained in subsection (f)(1), that is, $100 a gross ton or $14 million, whichever is lesser. Additionally, this provision spells out in paragraph (3) that claims for costs may be brought directly against the insurer providing the evidence of financial responsibility and in such case the insurer shall be entitled to all of the rights and defenses available to the owner or operator. It is the hope of the conferees that responsibility for administering paragraph (1) of this subsection will be vested in the Federal Maritime Commission. It is also the hope of the conferees that the marine insurance industry will modernize its coverage for protection of third parties without regard to the nature of the conduct of the insured.

Paragraph (4) of subsection (p) is essentially the same as the provisions of the House bill relating to a study of the need for other measures to provide financial responsibility and to limit liability on vessels and facilities subject to the provisions of this section. This report is to be submitted to Congress by January 1, 1971.

House bill

The House bill in the proposed new section 17 to the Federal Water Pollution Control Act, relating to pollution resulting from oil spills, provides that "matter" which is a defined term the substantial discharge of which presents an imminent and substantial hazard to public health or welfare can be cleaned up and liability can be assessed in the same manner and to the same extent and with the same penalties as are provided in the case of oil spills.

Senate amendment

The Senate amendment proposes a new section 13 to be added to the Federal Water Pollution Control Act providing with respect to controlling hazardous polluting substances a separate and distinct means for dealing with them.

This new section 13 is concerned with the identification, control, and cleanup of hazardous substances, other than oil.

Section 13(a)–(f) would direct the President to develop, promulgate, and revise regulations designating various hazardous substances, other than oil, which when discharged in any quantity into the navigable waters of the United States, or the waters of the contiguous zone, would present an imminent and substantial danger to the public health or welfare and establishing where appropriate, criteria for the removal of such substances. The development of these regulations must include consultation with various public and private agencies and organizations and individuals interested in such regulations. Where appropriate, public hearings could be held in developing the regulations. Consideration must also be given to the latest available scientific data, technical feasibility of the regulations, and experience gained under the Federal Water Pollution Control Act. Regulations would be published in the Federal Register as proposed regulations and interested persons would be given at least 30 days to comment thereon. At the end of that time the regulations may be finally promulgated unless an interested person has filed objections stating grounds therefor and requesting a public hearing on such objections. After the notice period, the objections must be published in the Federal Register by notice and a public hearing held as soon as possible thereafter. On completion of the hearing, the President must make findings of fact and he may promulgate such modification of regulations as appropriate or take other action as he deems appropriate. All findings must be made public.

Any person aggrieved by such regulation for which a hearing was held may within 60 days file a petition in the U.S. Court of Appeals for the District of Columbia requesting that the regulation be modified or set aside. The court must hear the appeal on the record made before the President and the substantial evidence rule shall apply to the findings of the President. The court may affirm, vacate, or remand the proceedings. The review afforded by this procedure in the Court of Appeals shall be exclusive as to the person seeking the petition and such person cannot raise the validity of the regulation in any subsequent procedure relating to the enforcement thereof. The filing of a petition does not stay the regulations unless the court so orders

after finding that there is substantial likelihood that the President's findings are erroneous and that irreparable injury will result if the stay is not granted.

Section 13(g) would require that notice be given immediately to the United States upon the discharge of any hazardous substance from an onshore or offshore facility or a vessel in order to permit immediate action to remove or otherwise mitigate damage from the discharged substance. Criminal penalties apply for anyone who knowingly fails to so notify. Such notice and information contained therein may not be used in any criminal action under Federal or State law.

Section 13(h) would direct that the United States remove any discharged substance unless appropriate action is taken immediately by the discharger to remove the substance.

Section 13(i) would provide civil penalties for violation of regulation promulgated under section 13(a). If payment is not forthcoming administratively such penalties may be collected in Federal court in a de novo proceeding.

Section 13(j) would provide that section 13 will not affect or modify the obligations of an owner or operator for damages to anyone for damage to persons or property resulting from the discharge of a hazardous substance or from the removal of such substance.

Section 13(k) would provide enforcement authority in carrying out the provisions of section 13.

Section 13(l) would provide jurisdiction in the Federal district courts in case of any actions arising under section 13.

Section 13(m) would define various terms used in section 13 and make applicable the definitions of section 12(a) as to the terms, oil, discharge, vessels, public vessel, United States, person, contiguous zone, and act of God.

Section 13(n) would require that the President submit a report to the Congress by November 1, 1970, on the need for, and desirability of, legislation imposing liability for the cost of removal of hazardous substances. The report would be based on an accelerated study on the methods and measures for controlling substances, the most appropriate measures for enforcement, and the methods of imposing sanctions where removal is impossible or impractical.

Section 13(o) would authorize the President to delegate his responsibility to other Federal agencies. In addition it would make available for the purpose of section 13 the fund established under section 12 of the Act.

Conference substitute

The conference substitute proposes to add a new section 12 to the Federal Water Pollution Control Act dealing with control of hazardous polluting substances. In general, this section is more nearly comparable to that proposed by the Senate amendment than to the House bill.

Section 12(a) would be the same as section 13(a) of the Senate amendment except that the President would be authorized to establish recommended methods and means for removing hazardous substances instead of establishing criteria therefor as provided in the Senate amendment.

Section 12(b) would apply the Administrative Procedure Act provisions as now contained in title V (other than the form of administrative proceeding provided in section 553(c)) in lieu of the detailed administrative proceedings and judicial review contained in the comparable Senate provisions.

Section 12(c) is essentially the same as section 13(g) of the Senate amendment except that the criminal penalty for failure to notify has been removed. This section does not contain the civil penalty provided in section 13(i) of the Senate amendment.

This section does not contain the authorities granted the President with respect to enforcement contained in sections 13(k) and 13(l) of the Senate amendment.

Section 12(g), relating to reports, with minor changes is essentially the same as section 13(n) of the Senate amendment.

Section 12(h) is essentially the same as section 13(o) of the Senate amendment.

CONTROL OF SEWAGE FROM VESSELS

House bill

Section 18 would provide for the control of sewage from vessels including foreign vessels using our waterways and commercial and recreational vessels.

Section 18(a) would define various terms used in the new section.

Section 18(b) would direct the Secretary of the Interior to promulgate Federal standards of performance for marine sanitation devices to be installed and operated on board vessels subject to this new section. The term "marine sanitation device" is defined to include equipment on board the vessel which is designed to receive, retain, treat, or discharge sewage. The standards must be consistent with maritime safety and other marine laws and regulations. In addition, the Coast Guard must also promulgate regulations governing the design, construction, installation, and operation of these devices on board these vessels.

Section 18(c) would provide that the initial standards and regulations will be effective for new vessels—that is, vessels constructed after such standards and regulations are promulgated—2 years after promulgation, but not earlier than December 31, 1971, and for existing vessels—that is, vessels constructed prior to promulgation of the standards and regulations—5 years after promulgation. Both Interior and Coast Guard, in issuing standards and regulations, may distinguish among classes, types, and sizes of vessels as well as between new and existing vessels. Both may exempt such vessels from the applicability of the standards and regulations for such periods of time as may be necessary and upon application for individual vessels. This waiver authority could be accomplished at the time the standards and regulations are promulgated.

Section 18(d) would provide that this new section and the standards and regulations issued thereunder would apply to vessels owned and operated by the United States unless the Secretary of Defense finds that such compliance would be contrary to the interests of national security. The regulations required by this section and the certifications required under section 18(g) of this section shall be promulgated and issued by the Secretary of Defense rather than by the Coast Guard.

Section 18(e) would require that before the standards and regulations are promulgated, the Secretary of the Interior and the Coast Guard will consult with other interested Federal agencies, the States, and appropriate representatives of the various industries affected and shall comply with the rulemaking provisions of title 5 of the United States Code, formerly known as the Administrative Procedures Act.

Section 18(f) would provide that once the initial standards and regulations are effective a State or a political subdivision thereof may not adopt or enforce any law or regulation governing the design, manufacture, or installation of any marine sanitation device on board any vessel subject to the Federal standards and regulations. The section would not, however, affect the State's authority to prohibit completely all sewage discharges from vessels in particular intrastate waters of the State, regardless of whether the sewage is treated or not. In such cases however, the State must also prohibit waste discharges from all other sources.

Section 18(g) would prohibit the sale or delivery into interstate commerce or importation into the United States of any marine sanitation device unless such device is in all material respects substantially the same as the test device certified by the Coast Guard under this section. The subsection would require the Coast Guard to certify upon application of each manufacturer of these devices if he finds that they meet the standards and regulations promulgated under this section. The Coast Guard would require the manufacturer to test the device in accordance with procedures set forth by the Secretary of the Interior as to performance or he shall test it himself. It would be up to the Coast Guard to determine if the results of the test are in accordance with the appropriate performance standards. If the Coast Guard finds that the device is satisfactory from the standpoint of safety and other requirements of maritime law or regulation, and after considering the design, installation, operation, and material, and other appropriate factors, he would certify it. Every manufacturer would be required to maintain records and provide such information as the Secretary or the Coast Guard may need to enable them to determine whether the manufacturer has acted or is acting in compliance with this section and regulations thereunder.

Section 18(h) would provide that after the effective date of standards and regulations promulgated by Interior and Coast Guard it shall be unlawful (1) to manufacture for sale vessels subject to the standards and regulations without a certified device; (2) for a vessel to operate on the navigable waters of the United States subject to the standards and regulations, if it is not equipped with an operable marine sanitation device; (3) to refuse Federal authorities access to records; and (4) to move or render inoperative, wrongfully, a certified device installed prior to sale or delivery to the ultimate purchaser.

Section 18(i) would authorize the district courts of the United States to restrain violations of subsections (h) (1) through (3) of this section.

Section 18(j) would establish civil penalties for violation of section 18(h) to be assessed by the Coast Guard. The maximum penalty against the manufacturer and dealer is $5,000 and against other persons violating 18(h)(4) $2,000. The penalty cannot be assessed until there is notice and an opportunity for a hearing.

Sections 18 (k) and (l) would provide that the enforcement of this new section would be carried out by the Coast Guard and that the Coast Guard may utilize the services, personnel, and facilities of the Secretary of the Interior and other Federal agencies where appropriate.

Section 18(m) would provide jurisdiction in the courts of Guam and the Virgin Islands in the case of actions arising under this section.

In the case of American Samoa and the Trust Territory of the Pacific Islands, these actions may be brought in the district court for the district of Hawaii.

Senate amendment

The new section 11 is concerned with the control of the discharge of sewage from vessels into the navigable waters of the United States.

Section 11(a) would define the various terms used in the section.

Section 11(b) would direct the Secretary of the Interior within two years after the effective date of this section to promulgate standards of performance for marine sanitation devices to prevent the discharge of untreated or inadequately treated sewage from all new and existing vessels equipped with installed toilet facilities. These standards must be consistent with maritime safety and other marine laws and regulations. The section would also direct the Coast Guard to promulgate regulations which govern the design, construction, installation, and operation of marine sanitation devices installed on board vessels subject to this section. The regulations must be consistent with the standards. This section would also exempt from such standards and regulations vessels equipped with a device installed pursuant to State requirements prior to the promulgation of such standards and regulations, until the device is replaced or unless it does not remain in compliance with the applicable State law.

Section 11(c) would provide that standards and regulations for new vessels become effective two years after promulgation. Standards and regulations for existing vessels would become effective five years after promulgation. Revisions thereof would be effective on date specified in such revisions. The Coast Guard may waive application of standards and regulations to various classes, types, and sizes of vessels for such periods as may be necessary and, upon application, waivers may be granted for individual vessels.

Section 11(d) would require compliance with Federal standards and regulations by public vessels of the United States, except where compliance conflicts with national security, as determined by the Secretary of Defense.

Section 11(e) would require that the Secretary and the Coast Guard consult with Federal and State agencies and other interested parties and comply with the provisions of section 553 of the United States Code (the Administrative Procedure Act) prior to promulgation of standards and regulations.

Section 11(f) would preempt State or local laws or regulations relative to the design, manufacture, installation, or use of marine sanitation devices on new or existing vessels for which such devices are required under section 11(c) after the Federal standards and regulations applicable to such vessels are effective. Such State laws and regulations could still continue in effect in the case of other vessels. Also, a State may prohibit all sewage discharges from all vessels into certain waters within its boundaries in order to implement applicable water quality standards.

Section 11(g) would prohibit the sale or delivery into commerce of a device, the prototype of which is not certified; establish procedures for certification; and provide for the maintenance of records.

Section 11(h) would provide that, after the effective date of standards and regulations, it shall be unlawful:

To manufacture, or distribute for sale, vessels, subject to Federal standards and regulations without a certified device;

To, wrongfully, remove or render inoperative a certified marine sanitation device installed prior to sale or delivery to the ultimate purchaser;

To refuse Federal authorities access to records; and

To operate a vessel subject to the standards and regulations if it is not equipped with an operable device.

Section 11(i) would give jurisdiction to the courts to restrain those who under section 11(h), unlawfully manufacture or distribute for sale vessels without a device, remove or render inoperative a device, or refuse access to records.

Section 11(j) would establish civil penalties in case of violations of section 11(h) to be assessed after notice and hearing by the Coast Guard. Civil penalties not paid after administrative proceedings may be collected by the United States in the Federal district courts in a de novo proceeding.

Section 11(k) would place the responsibility for enforcement in the Coast Guard with assistance by the Secretary of the Interior, other Federal agencies, or the States.

Section 11(l) would authorize the Coast Guard to inspect vessels in U.S. waters and issue and execute warrants.

Section 11(m) would grant jurisdiction to various courts in cases of actions arising under section 11.

Conference substitute

The proposed new section 13 of the Federal Water Pollution Control Act relates to control of sewage from vessels.

Section 13(a) contains the same definitions as section 11 of the Senate amendment with the following changes:

(1) The term "public vessel" is defined to mean a vessel owned or bareboat chartered and operated by the United States, by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce.

(2) The definition of "manufacturer" is the same as contained in the House bill.

(3) The term "discharge" is defined as including, but not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(4) The term "marine sanitation device" is defined as also including any process to treat sewage.

Section 13(b)(1) relating to the establishment of standards for marine sanitation devices is essentially the same as contained in the House bill. Language is included in the vessel pollution portion of the conference substitute for the purpose of assuring that unreasonable demands are not made on small recreational vessels, but that marine sanitation device performance standards would only be promulgated when our technology permits these standards to be practicable and reasonable, and the degree of treatment will be adequate. The exemption of vessels that do not have installed toilet facilities relieves a burden upon those vessel owners who otherwise could be driven out because of the lack of feasibility of installing toilet facilities and marine sanitation devices on certain types of vessels.

Section 13(b)(2) provides that any existing vessel equipped with a marine sanitation device on the date of promulgation of initial standards and regulations under this section which device is in compliance with such initial standards and regulations shall be deemed in compliance with this section until such time as the device is replaced or is found not to be in compliance with such initial standards and regulations.

Section 13(c)(1) relating to the effective date of standards is the same as the House provision.

Section 13(c)(2) relating to differentiation and waiver is the same as the House provision with the exception that the Secretary of the department in which the Coast Guard is operating must consult with the Secretary of the Interior in distinguishing among classes, types, and sizes of vessels as well as between new and existing vessels; and, with respect to waiving applicability of standards and regulations as necessary or appropriate for such classes, types, or sizes, it is made clear that existing vessels equipped with marine sanitation devices on the date of promulgation of the initial standards required by this section are eligible for waiver of such standards.

Section 13(d) relating to federally owned vessels is essentially the same as the comparable provision of the House bill.

Section 13(e) relating to consultation with interested parties is the same as the provisions of the House bill.

Section 13(f) provides that after the effective date of the initial standards and regulations promulgated under this section no State or political subdivision thereof shall adopt or enforce any statute or regulation of any such State or political subdivision with respect to the design, manufacture, or installation or use of any marine sanitation device on any vessel subject to the provisions of this section. Upon application by a State and, where the Secretary determines that any applicable water quality standards require such a prohibition, he shall by regulation completely prohibit the discharge from a vessel of any sewage whether treated or not into those waters of such State which are the subject of the application and to which such standards apply. The conferees expect there to be a wide dissemination of information of any such prohibition.

Sections 13 (g) through (m) relating to prohibitions and their enforcement are essentially the same as the equivalent provisions in the House bill.

AREA ACID AND OTHER MINE WATER POLLUTION CONTROL DEMONSTRATIONS

Conference substitute

The proposed new section 14 is the same as the equivalent provisions in both the House bill and the Senate amendment which are substantially identical.

POLLUTION CONTROL IN THE GREAT LAKES

Conference substitute

The proposed new section 15 is the same as the equivalent provisions in both the House bill and the Senate amendment which are substantially identical.

40-226 O—70——4

TRAINING GRANTS AND CONTRACTS

Conference substitute

Sections 16 through 19 of the conference substitute relating to training grants and contracts are essentially the same as the equivalent provisions contained in the House bill.

ALASKA VILLAGE FACILITIES

House bill

The House bill contains no provision relating to Alaska village safe water facilities.

Senate amendment

Title IV of the Senate amendment adds a new section 23 to the Federal Water Pollution Control Act entitled "Alaska Village Safe Water Facilities Act."

Sections 23 (b) and (c) are findings of fact and a declaration of policy to establish a special emergency program to provide safe water and hygienic sewage disposal facilities in Alaska villages presently without these facilities.

Section 23(d) authorizes the Secretary of the Interior to provide for the installation of whatever safe water and hygienic sewage disposal facilities are necessary to insure that there will be one such facility in each Alaskan village. These facilities are to be available for use by the general public, to be designed to assure year round operation, to provide clean water, shower bath facilities, sewage disposal, and facilities for washing clothes.

The section also provides the means for determining the location of these facilities, prohibits contributions toward the cost of construction from the users of such facilities, provides that local workmen shall be used, provides for local operation, and authorizes $5,000,000 for fiscal year 1970 and such sums as may be necessary thereafter for the next three fiscal years.

In addition, the Secretary is directed to conduct appropriate educational and informational programs to familiarize the residents of each community wherein such a facility is located as to the health advantages of full utilization of that facility. In addition, the Secretary is authorized to make grants for operation and maintenance of these facilities.

The Secretary is required to report to Congress annually on the results of this program. He is also directed to utilize the facilities of the Department of Health, Education, and Welfare to the fullest extent possible in carrying out the provisions of the section.

Conference substitute

The conference substitute proposes to add a new section 20 to the Federal Water Pollution Control Act entitled "Alaska Village Demonstration Projects".

This section would authorize the Secretary, in agreement with the State of Alaska, to carry out demonstration projects for central community facilities for safe water and the elimination or control of water pollution in native villages of Alaska without these facilities. These projects are to include provisions for safe water supply systems, toilets, bathing and laundering facilities, sewage disposal facilities, and similar facilities of that type. In addition, educational and informational facilities and programs relating to health and hygiene

are authorized as part of the demonstration projects. The purpose of these demonstration projects is to assist in developing preliminary plans for providing these types of facilities for all native villages in Alaska.

In carrying out this section, the Secretary is to cooperate with the Secretary of Health, Education, and Welfare in order to utilize personnel and facilities of that department to the extent appropriate.

A report to Congress not later than January 31, 1973, is required.

There is authorized to be appropriated not to exceed $1,000,000 to carry out this new section.

It is the understanding of the conferees that these demonstration projects will not extend to the construction of facilities other than those which are centrally located and usable on a community-wide basis. Facilities for individual dwellings are not authorized under this section.

COOPERATION BY FEDERAL AGENCIES IN THE CONTROL OF POLLUTION

House bill

Section 3 of the House amends section 11 of the Federal Water Pollution Control Act to put into statutory terms the provisions of the President's Executive Order 11288 for the prevention, control, and abatement of water pollution by Federal activities, either directly or by contract. This section would require that every Federal agency having jurisdiction over any real property or facility shall take immediate and appropriate steps to insure compliance with applicable Federal, State, and local water quality standards and the purposes of the Federal Water Pollution Control Act in the administration of the property or facility. This section would recognize, however, that this requirement is subject to the availability of appropriations and the needs of the United States, but it is intended that every effort be made to carry out its directives and to seek the necessary appropriations to do so. In any summary of a conference made pursuant to section 10(d)(4) of the Federal Water Pollution Control Act, the Secretary must also include references to discharges which might cause or contribute to the pollution of any waters from Federal property or facilities and transmit a copy of his summary to the appropriate Federal agency head. Also, notice of any hearing under section 10(f) of the act shall be given to the Federal agency having jurisdiction over the property or facility involved and the finding and recommendations of the hearing board shall include references to the discharges from such Federal facility or property.

Section 11(b) would require that applicants, other than a Federal agency, seeking a Federal license or permit to conduct any activity of any kind or nature which may result in discharges into the navigable waters of the United States must provide the Federal licensing or permitting agency with a certification from the affected State or States or interstate water pollution control agency that there is reasonable assurance, as determined by that agency, that such activity will be conducted in a manner that will not reduce the quality of such waters below applicable Federal or State or local water quality standards. In any instance where the water quality standards have been promulgated by the Secretary of the Interior under section 10(c)(2) of the act or where a State agency or interstate agency lacks authority to provide such a certification, then the certification shall be obtained

from the Secretary of the Interior. In any case where an activity requires two or more licenses or permits by a single Federal agency or multiple Federal agencies and the applicant receives a certification under this section in connection with any one of those licenses or permits, then any Federal agency considering an application for a subsequent license or permit for that same activity, such Federal agency may accept the first certification as meeting the requirements of this section if, after notice to the affected State or States or interstate agencies or to the Secretary, as appropriate, no written objection is made to the granting of such license or permit without a subsequent certification.

In addition, once a license or permit has been issued it may be suspended if a court of competent jurisdiction subsequently finds that such licensee or permittee is not in compliance with applicable water quality standards.

In any case where the actual construction of a facility for the conduct of any activity has been lawfully commenced prior to the effective date of this legislation, no certification shall be required under section 11(b) for a Federal license or permit issued after the effective date of this legislation to conduct such activity. Any license or permit issued without the certification, however, shall terminate at the expiration of 2 years following the effective date of this legislation unless prior to such termination date the licensee or permittee submits to the Federal licensing or permitting agency a certification as required under section 11(b).

This section prescribes that no Federal permit or license may be granted except in the manner just mentioned without a certification as prescribed by this section.

Senate amendment

Section 103 of the Senate amendment redesignates section 11 of the Federal Water Pollution Control Act as section 16 and substantially revises it.

Section 16(a) is similar to the present section 11 of the Federal Water Pollution Control Act as amended. The new section, however, would require that every Federal agency having jurisdiction over any real property or any facility or activity of any kind shall insure compliance with applicable water quality standards in the administration of the property, facility, or activity consistent with an approved plan for implementation. This section would also authorize appropriations to carry out this requirement.

Section 16(b) would require that when a Federal agency (1) issues a lease to any person for the use of any Federal property or facility or (2) contracts for the operation of such property or facility or (3) contracts for the entire operation of any non-Federal facility, such agency must insure compliance with the applicable water control quality standards and purposes of this Act in administering such lease or contract. When appropriate, a certification obtained under section 16(c) for a Federal license or permit shall be evidence of compliance with the water quality standards.

Section 16(c) applies to applicants for Federal licenses or permits to construct or operate any facility or to conduct any activity which may result in any discharge in the navigable waters of the United States. It does not apply to Federal agencies.

The section would require that the applicant for such Federal license or permit provide a certification from the State in which the discharge originates to the Federal licensing or permitting agency and notice thereof to the Secretary of the Interior, that there is reasonable assurance that the facility or activity will comply with applicable water quality standards. In appropriate cases, the certification would be obtained from an interstate water pollution control agency. Where water quality standards for interstate waters have not been approved or promulgated under section 10(c) of the Federal Water Pollution Control Act, as amended, the certification must be obtained from the Secretary of the Interior. The certifying agency has 1 year after receipt of application for certification to notify the applicant of such certification or of intent not to certify. After the Secretary of the Interior determines that the discharge may affect the applicable water quality standards of a State or States other than the certifying State, the Secretary must notify the other States within 60 days after receipt of the notice of an application for a license or permit. If such other States within 30 days after receipt of notification from the Secretary determine that the discharge will adversely affect its standards, they should notify the Secretary and the Secretary has an additional 30 days to review such determination. If upon such review he finds such adverse effect, the Secretary shall require that before the license or permit is issued that appropriate conditions be included to insure compliance with the standards.

No Federal license or permit can be granted without a certification and such conditions as the State, interstate agency, or Secretary may reasonably require. These conditions could include, among other things, provision for suspension or termination of the license or permit for failure to comply with the standards.

If, in the case of discharge affecting States other than the State of origin and where the Secretary requires conditions that are more stringent than those of the State where the discharge originates, the applicant may request a hearing by the Federal licensing or permitting agency and such agency shall make findings on the conditions to be included in a license or permit. Such findings must be public and they shall not require conditions that are less stringent than those of the State where the discharge occurs. The licensing or permitting agency will, of course, provide an opportunity for the affected States and the Secretary to participate in such hearing and to appeal the findings in a Federal court within a reasonable time after the issuance thereof as provided in statute under which the license or permit is issued or under the Administrative Procedure Act.

The Federal licensee or permittee must provide the certifying State or, as appropriate, the interstate agency or the Secretary of notice of any changes in the facility or activity which may affect applicable water quality standards.

A certification for Federal license or permit for a particular facility or activity shall satisfy the requirement of certification for any later Federal license or permit necessary for such facility for activity unless, after receiving notice of an application for such later Federal license or permit, a State or the Secretary notifies such Federal licensing or permitting agency that there has been a change in the nature of the activity, the design of the facility, the natural characteristics of the

waters into which the discharge will be made, or in the water quality standards applicable to such waters, and there is no longer reasonable assurance of compliance with water quality standards. In such instances a second certification will be required.

In the case of any Federally licensed or permitted facility or activity which is not required to obtain a Federal operating license or permit, the licensee or permittee must give the certifying State, or interstate agency, or the Secretary an opportunity to review the manner in which the facility or activity will be operated or conducted for the purpose of assuring compliance with water quality standards. This requirement would apply prior to the actual operation of the facility or activity. Upon receipt of notice from the certifying State, the interstate agency or the Secretary, that the operation will not comply with the standards, the Federal agency must suspend the license or permit until notice is received of reasonable assurance of compliance.

If, in any case, a Governor of a State or the Secretary notifies the licensing or permitting agency that the facility or activity has been found by a court to be in violation of the standards, such license or permit may be suspended or terminated, as circumstances require, by the Federal agency.

If actual construction of a facility has been begun under a Federal license or permit prior to the effective date of this section, no certification shall be required for any Federal operating license or permit for such facility issued within 3 years of such date. Any Federal operating license or permit issued during such 3-year period, however, without the benefit of the certification must be terminated after the end of the 3-year period unless, prior to that time, the licensee or permittee obtains a certification. If, in any case where there is a Federal license or permit application pending on the effective date of this section and where such license or permit is issued within 1 year of such date, a certification will not be required for 1 year following the issuance of license or permit. The license or permit, however, will terminate at the end of that year unless certification is obtained.

In the case of any activity which will affect water quality for which there are no applicable standards, no certification will be required. However, a Federal licensing or permitting agency, in such event, must impose, as a condition of any license or permit, a requirement that the licensee or permittee shall comply with the purposes of the Act.

If a State in which a discharge originates or the Secretary notifies a Federal agency that its licensee or permittee has received notice of the adoption of water quality standards applicable to such activity and has failed to comply with the standards, the Federal agency must after a period of time, suspend license or permit until notice is received that there is reasonable assurance of compliance.

Section 16(d) provides that section 16 of the Act is not to be interpreted in any way to affect the authority of any Federal agency pursuant to this Act or any other provision of law relative to compliance with water quality standards. The Secretary of the Interior is also directed to provide technical assistance as may be necessary to carry out the purposes of this Act.

Section 16(e) will authorize Corps of Engineers to permit the use of spoil disposal areas under its jurisdiction by a Federal licensee or permittee and to charge for such use. Moneys received would be deposited to miscellaneous receipts.

Conference substitute

Section 103 of the conference substitute redesignates existing section 11 of the Federal Water Pollution Control Act as section 21 and revises that section substantially as follows:

Section 21(a) would require each Federal department, agency, and instrumentality (hereafter referred to as a "Federal agency") having jurisdiction over any real property or facility or engaged in any Federal public works activity to insure compliance with applicable water quality standards and the purposes of the Federal Water Pollution Control Act in the administration of that property, facility, or activity, to the extent consistent with the paramount interest of the United States as determined by the President. The jurisdiction of a Federal agency referred to in this provision includes operations of the agencies carried on by lease and by contract and therefore would subject these lease and contract operations to the requirements of this subsection. In his summary of the conference pursuant to section 10(d)(4) of the Act, the Secretary is required to include reference to any discharges alleged to contribute to pollution from any Federal property, facility, or activity and to send a copy of that summary to the head of the Federal agency having jurisdiction thereof. Notice of a hearing pursuant to section 10(f) of the Act involving any pollution alleged to be caused by any such discharges shall also be given the Federal agency having jurisdiction over the property, facility, or activity involved and the hearing board's findings and recommendations shall include references to such discharges to the extent they are contributing to the pollution.

Section 21(b) requires any applicant for a Federal license or permit to conduct any activity (this includes constructing or operating facilities) which may result in any discharge into navigable waters of the United States to provide the licensing or permitting agency with a certification from the State in which the discharge originates or will originate or a certification from the interstate water pollution control agency having jurisdiction over the navigable waters at the point where the discharge originates or will originate if such a certification is appropriate from such interstate agency rather than from the State of origin. This certification must state that there is reasonable assurance as determined by the certifying State or interstate agency that the activity proposed to be licensed or permitted will be conducted in a manner which will not violate applicable water quality standards. The State is required to provide public notice with respect to all applications received by it for certification and, to the extent that the State determines it appropriate, to establish procedures for holding public hearings with respect to specific applications. If these standards have been promulgated by the Secretary, or, if a State or interstate agency has no authority to make such a certification, then the certification must be obtained from the Secretary. In order to insure that sheer inactivity by the State, interstate agency, or Secretary, as the case may be, will not frustrate the Federal application, a requirement, similar to that contained in the House bill is contained in the conference substitute that if within a reasonable period, which cannot exceed one year, after it has received a request to certify, the State, interstate agency, or Secretary, as the case may be, fails or refuses to act on the request for certification, then the certification requirement is waived. If a State refuses to give a certification, the

courts of that State are the forum in which the applicant must challenge that refusal if the applicant wishes to do so. No Federal license or permit shall be granted unless this certification has first been obtained or there has been a waiver of the requirement as provided by this subsection. Denial of certification by a State, interstate agency, or the Secretary, as the case may be, results in a complete prohibition against the issuance of the Federal license or permit.

When a licensing or permitting agency receives an application and a certification, it must immediately notify the Secretary of the Interior thereof. Whenever such a discharge may affect the quality of the waters of any other State as determined by the Secretary, then the Secretary shall, within 30 days of the date he is notified of the application for the Federal license or permit, notify such other State, the licensing or permitting agency, and the applicant. If within 60 days thereafter the State so determined to be affected determines that the discharge will affect the quality of its waters so as to violate its water quality standards and within that 60-day period notifies the Secretary and the licensing or permitting agency of its objection to the issuance of the license or permit and requests a public hearing on its objection, such a public hearing shall be held by the licensing or permitting agency. At that hearing the Secretary of the Interior shall submit his evaluation and recommendations with respect to the objection to the licensing or permitting agency. Based upon the recommendations of the State, the Secretary, and any additional evidence presented at the hearing, the agency shall condition the license or permit so as to insure compliance with applicable water quality standards. If conditions cannot insure this compliance, the license or permit shall not be issued.

In the case where a Federal license or permit is required both as to the construction of a facility and its operation, the initial certification required for the construction license or permit shall fulfill the requirements of this subsection with respect to certification for a Federal license or permit to operate that facility unless the certifying State, interstate agency, or Secretary, as the case may be, after having been given notice of the application for an operating license or permit by the agency to whom the application is made notifies that agency within 60 days that there is no longer reasonable assurance of compliance with applicable water quality standards because of changes since the construction license or permit certification was issued in (1) the construction or operation of the facility, (2) the characteristics of the waters into which the discharge is to be made, or (3) the water quality standards applicable to those waters. This paragraph is made inapplicable if the applicant for the operating license or permit has not provided the certifying State, interstate agency, or Secretary, as the case may be, with notice of any proposed changes in the construction or operation of the facility which changes may result in violation of applicable water quality standards.

Before the initial operation of a federally licensed or permitted facility or activity with respect to which a certification has been obtained under this provision which facility or activity is not subject to a Federal operating license or permit, the licensee or permittee is required to provide an opportunity to the certifying State, agency, or Secretary, as the case may be, to review the manner of operation of the facility for the purpose of assuring that applicable water quality standards will not be violated. Upon notification by such certifying State, agency, or Secretary, as the case may be, that

operation of this facility will violate applicable water quality standards, the Federal agency may, after public hearing suspend the license or permit until notification is received from the certifying State, agency, or Secretary, as the case may be, that there is reasonable assurance that the facility or activity will not violate applicable water quality standards. This right to review the manner of operation of a facility or activity is not to be construed as authority to the State, agency, or Secretary, as the case may be, to impose operational requirements with respect to that facility or activity.

If a judgment is entered under section 10(h) of the Act that a federally licensed or permitted facility or activity has been operated in violation of applicable water quality standards, then the Federal license or permit with respect to which a certification has been obtained under this provision may be suspended or revoked by the Federal agency issuing that license or permit.

No Federal agency is to be deemed to be an applicant for the purposes of this subsection.

If the actual construction of a facility has been lawfully commenced before the date of enactment of the Water Quality Improvement Act of 1970, then no certification is to be required for a license or permit issued thereafter to operate such facility except that if such a license or permit is issued without this certification it shall terminate at the end of three years from the date of enactment of the Act of 1970 unless before such date a proper certification is submitted to the licensing or permitting agency and the person having that license or permit otherwise meets the requirements of this subsection.

Except as provided in the preceding paragraph, an applicant for a license or permit pending on the date of enactment of the Water Quality Improvement Act of 1970, which license or permit is issued within one year after that date, will not require certification for a one-year period following the date of issuance of the license or permit except that that license or permit will terminate at the end of one year unless before that expiration date the licensee or permittee submits a certification and otherwise meets the requirements of this subsection.

In the case of any activity which will affect water quality for which there are no applicable standards, no certification will be required. However, a Federal licensing or permitting agency, in such event, must impose, as a condition of any license or permit, a requirement that the licensee or permittee shall comply with the purposes of the Act.

If a State in which a discharge originates or the Secretary notifies a Federal agency that its licensee or permittee has received notice of the adoption of water quality standards applicable to such activity and has failed to comply with the standards, the Federal agency must after a period of time, suspend license or permit until notice is received that there is reasonable assurance of compliance.

Nothing in this section is to be construed to limit the authority of any department or agency pursuant to any other provision of law to require compliance with applicable water quality standards. The Secretary of the Interior is also directed to provide technical assistance to carry out the purposes of this Act.

This section will also authorize the Chief of Engineers to permit the use of spoil disposal areas under his jurisdiction by a Federal licensee or permittee to charge for that use with the moneys received

to be deposited in miscellaneous receipts of the Treasury. In considering the "public interest" the Chief of Engineers should take into consideration the necessity to maintain non-Federal dock and berthing facilities which are essential to the functioning of the Federal navigation project. In determining the needs and utilization of spoil disposal areas under the jurisdiction of the Chief of Engineers, he should give appropriate consideration to the related requirements of the non-Federal dredging activities and should consider their needs for disposal on the same basis as those of the Federal Government. Where local interests donates land, or shares in the costs of construction of spoil disposal areas, local interest should be permitted reasonable use of the area, utilizing the same standards as set forth in the two preceding sentences, at a nominal charge.

AWARDS FOR EXCELLENCE

House bill

The House bill in section 4 amends section 12 of the Federal Water Pollution Control Act to add a new subsection (f) which would authorize a program of official recognition by the United States to industrial firms and political subdivisions which demonstrate excellence in their waste treatment and pollution abatement programs. Those industrial firms and political subdivisions granted such an award are to receive a certificate or a flag of suitable design. Notification of the award is to be published in the Federal Register.

Senate amendment

The Senate amendment contained no comparable provision.

Conference substitute

Section 104 of the conference substitute adds a new subsection (f) to redesignated section 22 of the Federal Water Pollution Control Act to authorize a program of official recognition by the United States to industrial organizations and political subdivisions which during the preceding year demonstrated either outstanding technological achievement or an innovative process, method, or device in their waste treatment and pollution abatement programs. The Secretary is to establish appropriate regulations for application for and granting of this award. No applicant is to be eligible if he is not in total compliance with all applicable water quality standards and does not otherwise have a satisfactory record with respect to environmental quality. The award is to be a certificate or plaque of suitable design, and notification of the award is to be published in the Federal Register.

RESEARCH, INVESTIGATIONS, TRAINING, AND INFORMATION

House bill

Section 5 of the House bill amends section 5 of the Federal Water Pollution Control Act by adding four new subsections and by extending the provisions authorizing appropriations for 2 additional fiscal years at the level of authorization provided for fiscal year 1969, that is $65 million.

Section 5(g) authorizes the Secretary to enter into contracts and grants with various individuals, agencies, and organizations, for research and development on the problems of lake eutrophication and other lake pollution problems.

Section 5(h) would authorize the Secretary to acquire lands and interests therein by purchase with appropriated or donated funds, by donation, or by exchange, lands or interests therein in connection with development of field laboratories, research facilities, and demonstration projects.

Section 5(i) would direct that the Secretary shall engage in research studies, experiments, and demonstrations by grant, contract, or otherwise, in the prevention and control of oil pollution, including the removal of oil discharges.

Section 5(j) would direct that the Secretary engage in a program of research, studies, experiments, and demonstrations by grants, contracts, or otherwise relative to the equipment which is to be installed on board a vessel and which is designed to receive, retain, treat, or discharge sewage from vessels with particular emphasis on equipment for use on recreational vessels. The Secretary is directed to file a report of his findings prior to the effective date of any standards to be established under section 18 of the Act.

Senate amendment

Section 104 of the Senate amendment would amend section 5 of the Federal Water Pollution Control Act by deleting the present subsection (g) relating to an estuary study and inserting that subsection as a new subsection in section 21 of the Act.

This section would also add a new subsection (g) to section 5 relating to the training of personnel to operate and maintain existing and future treatment works and related activities. Under this new program the Secretary will finance pilot programs of manpower development in training and retraining of people interested in entering, or who are actually in the field of operation and maintenance of such works. The purpose of the program is to supplement, not supplant, other manpower training programs. The Secretary can carry out these programs directly or through joint ventures with the States and other public or private agencies.

The Secretary is also authorized to enter into agreements to develop and maintain an effective system for forecasting the needs of various occupational categories in the water pollution field.

The new subsection would authorize the Secretary, in carrying uot the purposes of the Federal Water Pollution Control Act, to make grants and enter into contracts, establish and maintain research fellowships, and provide additional training in technical programs in the water pollution field. The Secretary is required to submit a report to Congress by September 30, 1970, summarizing actions taken under the new subsection; including information on the number of persons trained, categories for which training was provided, effectiveness of various training programs in this field, and provide estimates of the needs of this field.

This section would also add a new subsection (h) to section 5 to authorize the Secretary to enter into contracts and grants for research and development on problems of lake eutrophication and other lake pollution problems, including construction of publicly owned research facilities for that purpose.

This section would also add a new subsection (i) to section 5 to direct the Secretary to engage in research, studies, experiments, and demonstrations by grant, contract, or otherwise in the prevention and control of oil pollution, including the removal of oil discharges.

A new subsection (j) is added to section 5 to require the Secretary within two years to develop and issue to the States for the purpose of adopting standards pursuant to section 10(c), criteria reflecting the latest scientific knowledge useful in indicating the kind and extent of effects on health and welfare which may be expected from the presence of pesticides in the water in varying quantities. These criteria are to be revised from time to time. Further, the Secretary is required to conduct a study and investigation of methods to control the release of pesticides into the environment, including examination of persistency of pesticides and to report thereon within two years.

A new subsection (k) is added to section 5 which authorizes the Secretary to acquire lands and interests therein by purchase, with appropriated or donated funds, by donation, or by exchange, in connection with development of field laboratories, research facilities, and demonstration projects.

This section would also authorize appropriations to carry out provisions of this section except subsection (g) (1) and (2) at the current level of authorization which is $65 million for fiscal years 1970 and 1971. In the case of subsection (g)(1), the authorization would be $5 million for fiscal year 1970 and $7.5 million for the next fiscal year. In the case of subsection (g)(2), the authorization is $2.5 million for each of those fiscal years.

Conference substitute

Section 105 of the conference substitute amends section 5 of the Federal Water Pollution Control Act as follows:

(1) By relettering the last two subsections and inserting after subsection (f) new subsections (g) through (l).

(2) The new subsection (g) provides the same authority with respect to training of personnel as was provided by the Senate amendment in its amendment to section 5(g).

The new subsection (h) provides for the same authority with respect to lake eutrophication as was contained in the Senate amendment. It would authorize financial assistance for the construction of publicly owned research facilities by public agencies, including publicly owned universities.

The new subsection (i), relating to research on oil removal problems with the substitution of the requirement that the specifications be developed from time to time, rather than by June 30, 1970, and with other minor changes is the same as the Senate amendment in this regard.

The new subsection (j), relating to marine sanitation device research is essentially the same as the provisions contained in the proposed subsection (j) in the House bill.

The new subsection (k), relating to land acquisition, is essentially the same as the comparable provisions in both the House bill and Senate amendment.

The new subsection (l) is essentially the same as the proposed subsection (j) in the Senate amendment relating to pesticides with the exception that reference to criteria has been deleted, and the term "scientific knowledge" substituted therefor, and the requirement of making the study on pesticides has been placed in the President rather than the Secretary. The conferees expect that the Secretary will consult with the Secretary of HEW on the health aspects of pesticides and will avoid duplication of the research activities of the Department of HEW.

In addition, this provision would extend through fiscal year 1971 the $1,000,000 authorized for the estuarine studies authorized in redesignated subsection (m) and would extend through fiscal year 1971 the authorization of $65,000,000 per year for carrying out section 5 on research and would authorize for subsection (g)(1) training $5,000,000 for fiscal year 1970 and $7,500,000 for fiscal year 1971, and $2,500,000 per fiscal year for each of those two fiscal years for carrying out subsection (g)(2) training. The extension of the estuarian authorization is necessary in connection with the gathering of additional information which may be required as the result of hearings now being held by the Public Works Committee.

OIL POLLUTION ACT, 1924

The House bill, the Senate amendment, and the conference substitute all repeal the Oil Pollution Act, 1924.

FINANCING STUDY

House bill

Section 9 of the House bill authorizes a study by the Secretary of the Interior of the feasibility of all methods of financing the cost of preventing, controlling, and abating water pollution, the results to be reported to Congress by January 1, 1970, together with recommendations.

Senate amendment

The Senate amendment contains no comparable provision.

Conference substitute

Section 109 of the conference substitute authorizes this study, excluding from it, however, the methods already authorized by existing law and extending to December 31, 1970, the reporting date. The authorization of this study is not to be construed as a weakening of the congressional commitment to the financing methods for water pollution control programs now authorized by law.

NAME CHANGE

House bill

Section 10 of the House bill changes the name of the Federal Water Pollution Control Administration to the National Water Quality Administration.

Senate amendment

The Senate amendment contained no comparable provision.

Conference substitute

Section 10 of the conference substitute provides for changing the name of the Federal Water Pollution Control Administration to that of the Federal Water Quality Administration.

REIMBURSEMENT

Senate amendment

Section 106 of the Senate amendment amends section 8(c) of the Federal Water Pollution Control Act to specifically include in the provision relating to the reallotment of unused allocations language indicating that these can be used for the purpose of making reimbursements pursuant to the sixth and seventh sentences of section 8(c).

House bill

The House bill contains no comparable provision.

Conference substitute

Section 111 of the conference substitute amends section 8(c) of the Federal Water Pollution Control Act to include for the purpose of making reimbursement, those States having projects eligible for reimbursement pursuant to the sixth and seventh sentences of subsection (c) of section 8.

The conferees agreed that this is merely a clarifying amendment and the authority for these reimbursements is contained in existing law. However, for clarification purposes, the specific words are added to the law.

NAVIGATION

Senate amendment

Section 108 of the Senate amendment amends the second sentence of section 10(c)(3) of the Federal Water Pollution Control Act to add the word "navigation" after the word "industrial,", thus making consideration of the value and use of water for navigation a factor to be taken into account in the establishment of water quality standards.

House bill

The House bill contains no comparable provision.

Conference substitute

Section 112 of the conference substitute adds a new sentence to section 10(c)(3) of the Federal Water Pollution Control Act. The intent and purpose of this sentence is the same as that of the Senate amendment, that is to ensure that "navigation" will be considered in the same manner and to the same extent as the other enumerated classes in the establishment of standards. The conference substitute differs from the Senate amendment only in technique in order to avoid any possible misinterpretation of this provision.

ENVIRONMENTAL QUALITY

Senate amendment

Title II of the Senate amendment, consisting of five sections, relates to environmental quality.

Section 201 would cite this title as the Environmental Quality Improvement Act of 1969 and make certain congressional findings relative to the national policy set forth in specific statutes for the enhancement of environmental quality.

Section 202 would require each Federal agency conducting or supporting public works activity which affect the quality of the environment to implement the policies established by the President under this Act.

Section 203 would establish in the Executive Office of the President an Office of Environmental Quality.

Section 204 would direct that an advisory committee be established having a broad range of concern of population growth and environmental quality and planning for the future.

Section 205 would authorize appropriations to carry out the purposes of this title.

House bill

The House bill contains no comparable provision.

Conference substitute

Title II of the conference substitute relates to environmental quality.

Section 201 cites the title as the "Environmental Quality Improvement Act of 1970".

Section 202 makes certain congressional findings relating to the national policy set forth in existing statutes relating to environmental pollution, control, water, and land resources, transportation, and economic and regional development. It also finds that the primary responsibility for implementing this national policy rests with the State and local governments, and encourages the implementation of the policy through regional organizations.

The section declares that the purposes of the title are to assure that existing Federal departments and agencies conducting or supporting public works activities affecting the environment shall implement the policies established under existing law and to authorize an Office of Environmental Quality.

Section 203 establishes in the Executive Office of the President an Office of Environmental Quality. The Chairman of the Council on Environmental Quality is to be the Director of this Office. A Deputy Director is authorized to be appointed by the President by and with the advice and consent of the Senate, and his compensation is provided for. The Director is authorized to employ necessary personnel. These personnel would be employed in accordance with the general classification laws and paid in accordance with the General Schedule, except that authority is granted for the employment of not to exceed ten specialists and experts without regard to the provisions of law governing appointment and payment in the competitive service, with the further condition that no such specialist or expert shall be paid at a rate above that of the maximum for GS–18. The conferees expect a report to the Public Works Committees from the Council on Environmental Quality within 90 days after the date of enactment of this Act on their staff needs, in terms of numbers, grades, and functions of temporary and permanent staff personnel.

In carrying out his functions, the Director shall assist and advise the President on policies and programs of the Federal Government affecting environmental quality by—

(1) providing the professional and administrative staff and support for the Council on Environmental Quality;

(2) assisting the Federal agencies and departments in appraising the effectiveness of existing and proposed facilities, programs, policies, and activities of the Federal Government which affect environmental quality as well as those specific major projects designated by the President which do not require individual project authorization by Congress and which affect environmental quality;

(3) reviewing the adequacy of existing systems for monitoring and predicting environmental changes in order to achieve effective coverage and efficient use of research facilities and other resources;

(4) promoting the advancement of scientific knowledge of the effects of actions and technology on the environment and encourage the development of the means to prevent or reduce adverse effects that endanger the health and well-being of man;

(5) assisting in coordinating among the Federal departments and agencies those programs and activities which affect, protect, and improve environmental quality;

(6) assisting the Federal departments and agencies in the development and interrelationship of environmental quality criteria and standards established through the Federal Government;

(7) collecting, collating, analyzing, and interpreting data and information on environmental quality, ecological research and evaluation.

The Director in carrying out his functions is authorized to contract with public or private agencies, institutions, and organizations and individuals.

Section 204 provides for referral of the Environmental Quality Report to each standing committee of Congress having jurisdiction over any part of its subject matter.

Section 205 authorizes $500,000 for fiscal year 1970, $750,000 for fiscal year 1971, $1,250,000 for fiscal year 1972, and $1,500,000 for fiscal year 1973, in addition to the existing authorizations.

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Managers on the Part of the House.

Appendix A

CHANGES IN THE FEDERAL WATER POLLUTION CONTROL ACT PROPOSED TO BE MADE BY THE CONFERENCE SUSTITUTE FOR H.R. 4148

For information of the Members of the House of Representatives, changes in the Federal Water Pollution Control Act proposed to be made by the conference substitute for H.R. 4148, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman) :

FEDERAL WATER POLLUTION CONTROL ACT

AN ACT To provide for water pollution control activities in the Public Health Service of the Department of Health, Education, and Welfare, and for other purposes.

DECLARATION OF POLICY

SECTION 1. (a) The purpose of this Act is to enhance the quality and value of our water resources and to establish a national policy for the prevention, control, and abatement of water pollution.

(b) In connection with the exercise of jurisdiction over the waterways of the Nation and in consequence of the benefits resulting to the public health and welfare by the prevention and control of water pollution, it is hereby declared to be the policy of Congress to recognize, preserve, and protect the primary responsibilities and rights of the States in preventing and controlling water pollution, to support and aid technical research relating to the prevention and control of water pollution, and to provide Federal technical services and financial aid to State and interstate agencies and to municipalities in connection with the prevention and control of water pollution. The Secretary of Health, Education, and Welfare (hereinafter in this Act called "Secretary") shall administer this Act through the Administration created by section 2 of this Act, and with the assistance of an Assistant Secretary of Health, Education, and Welfare designated by him, shall supervise and direct (1) the head of such Administration in administering this Act and (2) the administration of all other functions of the Department of Health, Education, and Welfare related to water pollution. Such Assistant Secretary shall perform such additional functions as the Secretary may prescribe.

(c) Nothing in this Act shall be construed as impairing or in any manner affecting any right or jurisdiction of the States with respect to the waters (including boundary waters) of such States.

FEDERAL WATER POLLUTION CONTROL ADMINISTRATION

SEC. 2. Effective ninety days after the date of enactment of this section there is created within the Department of Health, Education, and Welfare a [Federal Water Pollution Control Administration]

40-226 O—70——5

Federal Water Quality Administration (hereinafter in this Act referred to as the "Administration"). The head of the Administration shall be appointed, and his compensation fixed, by the Secretary. The head of the Administration may, in addition to regular staff of the Administration, which shall be initially provided from the personnel of the Department, obtain, from within the Department or otherwise as authorized by law, such professional, technical, and clerical assistance as may be necessary to discharge the Administration's functions and may for that purpose use funds available for carrying out such functions; and he may delegate any of his functions to, or otherwise authorize their performance by, an officer or employee of, or assigned or detailed to the Administration.

COMPREHENSIVE PROGRAMS FOR WATER POLLUTION CONTROL

SEC. 3. (a) The Secretary shall, after careful investigation, and in cooperation with other Federal agencies, with State water pollution control agencies and interstate agencies, and with the municipalities and industries involved, prepare or develop comprehensive programs for eliminating or reducing the pollution of interstate waters and tributaries thereof and improving the sanitary conditions of surface and underground waters. In the development of such comprehensive programs due regard shall be given to the improvements which are necessary to conserve such waters for public water supplies, propagation of fish and aquatic life and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses. For the purpose of this section, the Secretary is authorized to make joint investigations with any such agencies of the condition of any waters in any State or States, and of the discharges of any sewage, industrial wastes, or substance which may adversely affect such waters.

(b)(1) In the survey or planning of any reservoir by the Corps of Engineers, Bureau of Reclamation, or other Federal agency, consideration shall be given to inclusion of storage for regulaton of streamflow for the purpose of water quality control, except that any such storage and water releases shall not be provided as a substitute for adequate treatment or other methods of controlling waste at the source.

(2) The need for and the value of storage for this purpose shall be determined by these agencies, with the advice of the Secretary, and his views on these matters shall be set forth in any report or presentation to the Congress proposing authorization or construction of any reservoir including such storage.

(3) The value of such storage shall be taken into account in determining the economic value of the entire project of which it is a part, and costs shall be allocated to the purpose of water quality control in a manner which will insure that all project purposes share equitably in the benefits of multiple-purpose construction.

(4) Costs of water quality control features incorporated in any Federal reservoir or other impoundment under the provisions of this Act shall be determined and the beneficiaries identified and if the benefits are widespread or national in scope, the costs of such features shall be nonreimbursable.

(c)(1) The Secretary shall, at the request of the Governor of a State, or a majority of the governors when more than one State is involved, make a grant to pay not to exceed 50 per centum of the

administrative expenses of a planning agency for a period not to exceed 3 years, if such agency provides for adequate representation of appropriate State, interstate, local, or (when appropriate) international, interests in the basin or portion thereof involved and is capable of developing an effective comprehensive water quality control and abatement plan for a basin.

(2) Each planning agency receiving a grant under this subsection shall develop a comprehensive pollution control and abatement plan for the basin which—

(A) is consistent with any applicable water quality standards established pursuant to current law within the basin;

(B) recommends such treatment works and sewer systems as will provide the most effective and economical means of collection, storage, treatment, and purification of wastes and recommends means to encourage both municipal and industrial use of such works and systems; and

(C) recommends maintenance and improvement of water quality standards within the basin or portion thereof and recommends methods of adequately financing those facilities as may be necessary to implement the plan.

(3) For the purposes of this subsection the term "basin" includes, but is not limited to, rivers and their tributaries, streams, coastal waters, sounds, estuaries, bays, lakes, and portions thereof, as well as the lands drained thereby.

INTERSTATE COOPERATION AND UNIFORM LAWS

SEC. 4. (a) The Secretary shall encourage cooperative activities by the States for the prevention and control of water pollution; encourage the enactment of improved and, so far as practicable, uniform State laws relating to the prevention and control of water pollution; and encourage compacts between States for the prevention and control of water pollution.

(b) The consent of the Congress is hereby given to two or more States to negotiate and enter into agreements or compacts, not in conflict with any law or treaty of the United States, for (1) cooperative effort and mutual assistance for the prevention and control of water pollution and the enforcement of their respective laws relating thereto, and (2) the establishment of such agencies, joint or otherwise, as they may deem desirable for making effective such agreements and compacts. No such agreement or compact shall be binding or obligatory upon any State a party thereto unless and until it has been approved by the Congress.

RESEARCH, INVESTIGATIONS, TRAINING, AND INFORMATION

SEC. 5. (a) The Secretary shall conduct in the Department of Health, Education, and Welfare and encourage, cooperate with, and render assistance to other appropriate public (whether Federal, State, interstate, or local) authorities, agencies, and institutions, private agencies and institutions, and individuals in the conduct of, and promote the coordination of, research, investigations, experiments, demonstrations, and studies relating to the causes, control, and prevention of water pollution. In carrying out the foregoing, the Secretary is authorized to—

(1) collect and make available, through publications and other appropriate means, the results of and other information as to research, investigations, and demonstrations relating to the prevention and control of water pollution, including appropriate recommendations in connection therewith;

(2) make grants-in-aid to public or private agencies and institutions and to individuals for research or training projects and for demonstrations, and provide for the conduct of research, training, and demonstrations by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes;

(3) secure, from time to time and for such periods as he deems advisable, the assistance and advice of experts, scholars, and consultants as authorized by section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a);

(4) establish and maintain research fellowships in the Department of Health, Education, and Welfare with such stipends and allowances, including traveling and subsistence expenses, as he may deem necessary to procure the assistance of the most promising research fellowships: *Provided*, That the Secretary shall report annually to the appropriate committees of Congress on his operations under this paragraph; and

(5) provide training in technical matters relating to the causes, prevention, and control of water pollution to personnel of public agencies and other persons with suitable qualifications.

(b) The Secretary may, upon request of any State water pollution control agency, or interstate agency, conduct investigations and research and make surveys concerning any specific problem of water pollution confronting any State, interstate agency, community, municipality, or industrial plant, with a view of recommending a solution of such problem.

(c) The Secretary shall, in cooperation with other Federal, State, and local agencies having related responsibilities, collect and disseminate basic data on chemical, physical, and biological water quality and other information insofar as such data or other information relate to water pollution and the prevention and control thereof.

(d) In carrying out the provisions of this section the Secretary shall develop and demonstrate under varied conditions (including conducting such basic and applied research, studies, and experiments as may be necessary):

(A) practicable means of treating municipal sewage and other waterborne wastes to remove the maximum possible amounts of physical, chemical, and biological pollutants in order to restore and maintain the maximum amount of the Nation's water at a quality suitable for repeated reuse;

(B) improved methods and procedures to identify and measure the effects of pollutants on water uses, including those pollutants created by new technological developments; and

(C) methods and procedures for evaluating the effects on water quality and water uses of augmented streamflows to control water pollution not susceptible to other means of abatement.

(e) The Secretary shall establish, equip, and maintain field laboratory and research facilities, including, but not limited to, one to be located in the northeastern area of the United States, one in the

Middle Atlantic area, one in the southeastern area, one in the midwestern area, one in the southwestern area, one in the Pacific Northwest, and one in the State of Alaska, for the conduct of research, investigations, experiments, field demonstrations and studies, and training relating to the prevention and control of water pollution. Insofar as practicable, each such facility shall be located near institutions of higher learning in which graduate training in such research might be carried out.

(f) The Secretary shall conduct research and technical development work, and make studies, with respect to the quality of the waters of the Great Lakes, including an analysis of the present and projected future water quality of the Great Lakes under varying conditions of waste treatment and disposal, and evaluation of the water quality needs of those to be served by such waters, and evaluation of municipal, industrial, and vessel waste treatment and disposal practices with respect to such waters, and a study of alternate means of solving water pollution problems (including additional waste treatment measures) with respect to such waters.

(g)(1) For the purpose of providing an adequate supply of trained personnel to operate and maintain existing and future treatment works and related activities, and for the purpose of enhancing substantially the proficiency of those engaged in such activities, the Secretary shall finance a pilot program, in cooperation with State and interstate agencies, municipalities, educational institutions, and other organizations and individuals, of manpower development and training and retraining of persons in, or entering into, the field of operation and maintenance of treatment works and related activities. Such program and any funds expended for such a program shall supplement, not supplant, other manpower and training programs and funds available for the purposes of this paragraph. The Secretary is authorized, under such terms and conditions as he deems appropriate, to enter into agreements with one or more States, acting jointly or severally, or with other public or private agencies or institutions for the development and implementation of such a program.

(2) The Secretary is authorized to enter into agreements with public and private agencies and institutions, and individuals to develop and maintain an effective system for forecasting the supply of, and demand for, various professional and other occupational categories needed for the prevention, control, and abatement of water pollution in each region, State, or area of the United States and, from time to time, to publish the results of such forecasts.

(3) In furtherance of the purposes of this Act, the Secretary is authorized to—

(A) make grants to public or private agencies and institutions and to individuals for training projects, and provide for the conduct of training by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes;

(B) establish and maintain research fellowships in the Department of the Interior with such stipends and allowances, including traveling and subsistence expenses, as he may deem necessary to procure the assistance of the most promising research fellowships; and

(C) provide, in addition to the program established under paragraph (1) of this subsection, training in technical matters relating to the causes, prevention, and control of water pollution for personnel of public agencies and other persons with suitable qualifications.

(4) The Secretary shall submit, through the President, a report to the Congress within eighteen months from the date of enactment of this subsection, summarizing the actions taken under this subsection and the effectiveness of such actions, and setting forth the number of persons trained, the occupational categories for which training was provided, the effectiveness of other Federal, State, and local training programs in this field, together with estimates of future needs, recommendations on improving training programs, and such other information and recommendations, including legislative recommendations, as he deems appropriate.

(h) The Secretary is authorized to enter into contracts with, or make grants to, public or private agencies and organizations and individuals for (A) the purpose of developing and demonstrating new or improved methods for the prevention, removal, and control of natural or manmade pollution in lakes, including the undesirable effects of nutrients and vegetation, and (B) the construction of publicly owned research facilities for such purpose.

(i) The Secretary shall—

(A) engage in such research, studies, experiments, and demonstrations as he deems appropriate, relative to the removal of oil from any waters and to the prevention and control of oil pollution;

(B) publish from time to time the results of such activities; and

(C) from time to time, develop and publish in the Federal Register specifications and other technical information on the various chemical compounds used as dispersants or emulsifiers in the control of oil spills.

In carrying out this subsection, the Secretary may enter into contracts with, or make grants to, public or private agencies and organizations and individuals.

(j) The Secretary shall engage in such research, studies, experiments, and demonstrations as he deems appropriate relative to equipment which is to be installed on board a vessel and is designed to receive, retain, treat, or discharge human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes with particular emphasis on equipment to be installed on small recreational vessels. The Secretary shall report to Congress the results of such research, studies, experiments, and demonstrations prior to the effective date of any standards established under section 13 of this Act. In carrying out this subsection the Secretary may enter into contracts with, or make grants to, public or private organizations and individuals.

(k) In carrying out the provisions of this section relating to the conduct by the Secretary of demonstration projects and the development of field laboratories and research facilities, the Secretary may acquire land and interests therein by purchase, with appropriated or donated funds, by donation, or by exchange for acquired or public lands under his jurisdiction which he classifies as suitable for disposition. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(l) (1) The Secretary shall, after consultation with appropriate local, State, and Federal agencies, public and private organizations, and interested individuals, as soon as practicable but not later than two years after the effective date of this subsection, develop and issue to the States for the purpose of adopting standards pursuant to section 10(c) the latest

scientific knowledge available in indicating the kind and extent of effects on health and welfare which may be expected from the presence of pesticides in the water in varying quantities. He shall revise and add to such information whenever necessary to reflect developing scientific knowledge.

(2) For the purpose of assuring effective implementation of standards adopted pursuant to paragraph (1) the President shall, in consultation with appropriate local, State, and Federal agencies, public and private organizations, and interested individuals, conduct a study and investigation of methods to control the release of pesticides into the environment, which study shall include examination of the persistency of pesticides in the water environment and alternatives thereto. The President shall submit a report on such investigation to Congress together with his recommendations for any necessary legislation within two years after the effective date of this subsection.

[(g)] *(m)* (1) The Secretary shall, in cooperation with the Secretary of the Army, the Secretary of Agriculture, the Water Resources Council, and with other appropriate Federal, State, interstate, or local public bodies and private organizations, institutions, and individuals, conduct and promote, and encourage contributions to, a comprehensive study of the effects of pollution, including sedimentation, in the estuaries and estuarine zones of the United States on fish and wildlife, on sport and commercial fishing, on recreation, on water supply and water power, and on other beneficial purposes. Such study shall also consider the effect of demographic trends, the exploitation of mineral resources and fossil fuels, land and industrial development, navigation, flood and erosion control, and other uses of estuaries and estuarine zones upon the pollution of the waters therein.

(2) In conducting the above study, the Secretary shall assemble, coordinate, and organize all existing pertinent information on the Nation's estuaries and estuarine zones, carry out a program of investigations and surveys to supplement existing information in representative estuaries and estuarine zones and identify the problems and areas where further research and study are required.

(3) The Secretary shall submit to the Congress a final report of the study authorized by this subsection not later than three years after the date of enactment of this subsection. Copies of the report shall be made available to all interested parties, public and private. The report shall include, but not be limited to—

(A) an analysis of the importance of estuaries to the economic and social well-being of the people of the United States and of the effects of pollution upon the use and enjoyment of such estuaries;

(B) a discussion of the major economic, social, and ecological trends occurring in the estuarine zones of the Nation;

(C) recommendations for a comprehensive national program for the preservation, study, use, and development of estuaries of the Nation, and the respective responsibilities which should be assumed by Federal, State, and local governments and by public and private interests.

(4) There is authorized to be appropriated the sum of $1,000,000 per fiscal year for the fiscal years ending June 30, 1967, June 30, 1968, [and June 30, 1969,], *June 30, 1969, June 30, 1970, and June 30, 1971,* to carry out the purposes of this subsection.

(5) For the purpose of this subsection, the term "estuarine Zones" means an environmental system consisting of an estuary and those transitional areas which are consistently influenced or affected by water from an estuary such as, but not limited to, salt marshes, coastal and intertidal areas, bays, harbors, lagoons, inshore waters, and channels, and the term "estuary" means all or part of the mouth of a navigable or interstate river or stream or other body of water having unimpaired natural connection with open sea and within which the sea water is measurably diluted with fresh water derived from land drainage.

[(h)] *(n)* There is authorized to be appropriated to carry out this section, other than subsection [(g), not to exceed $60,000,000 for the fiscal year ending June 30, 1968, and $65,000,000 for the fiscal year ending June 30, 1969] *(g) (1) and (2), not to exceed $65,000,000 per fiscal year for each of the fiscal years ending June 30, 1969, June 30, 1970, and June 30, 1971. There is authorized to be appropriated to carry out subsection (g)(1) of this section $5,000,000 for the fiscal year ending June 30, 1970, and $7,500,000 for the fiscal year ending June 30, 1971. There is authorized to be appropriated to carry out subsection (g)(2) of this section $2,500,000 per fiscal year for each of the fiscal years ending June 30, 1970, and June 30, 1971.* Sums so appropriated shall remain available until expended.

GRANTS FOR RESEARCH AND DEVELOPMENT

SEC. 6. (a) The Secretary is authorized to make grants to any State, municipality, or intermunicipal or interstate agency for the purpose of—

(1) assisting in the development of any project which will demonstrate a new or improved method of controlling the discharge into any waters of untreated or inadequately treated sewage or other wastes from sewers which carry storm water or both storm water and sewage or other wastes, or

(2) assisting in the development of any project which will demonstrate advanced waste treatment and water purification methods (including the temporary use of new or improved chemical additives which provide substantial immediate improvement to existing treatment processes) or new or improved methods of joint treatment systems for municipal and industrial wastes,

and for the purpose of reports, plans, and specifications in connection therewith.

(b) The Secretary is authorized to make grants to persons for research and demonstration projects for prevention of pollution of waters by industry including, but not limited to, treatment of industrial waste.

(c) Federal grants under subsection (a) of this section shall be subject to the following limitations:

(1) No grant shall be made for any project pursuant to this section unless such project shall have been approved by the appropriate State water pollution control agency or agencies and by the Secretary;

(2) No grant shall be made for any project in an amount exceeding 75 per centum of the estimated reasonable cost thereof as determined by the Secretary; and

(3) No grant shall be made for any project under this section unless the Secretary determines that such project will serve as a useful demonstration for the purpose set forth in clause (1) or (2) of subsection (a).

(d) Federal grants under subsection (b) of this section shall be subject to the following limitations:

(1) No grant shall be made under this section in excess of $1,000,000;

(2) No grant shall be made for more than 70 per centum of the cost of the project; and

(3) No grant shall be made for any project unless the Secretary determines that such project will serve a useful purpose in the development or demonstration of a new or improved method of treating industrial wastes or otherwise preventing pollution of waters by industry, which method shall have industry-wide application.

(e) For the purposes of this section there are authorized to be appropriated—

(1) for the fiscal year ending June 30, 1966, and for each of the next [three] *five* succeeding fiscal years, the sum of $20,000,000 per fiscal year for the purposes set forth in subsections (a) and (b) of this section, including contracts pursuant to such subsections for such purposes;

(2) for the fiscal year ending June 30, 1967, and for each of the next [two] *four* succeeding fiscal years, the sum of $20,000,000 per fiscal year for the purpose set forth in clause (2) of subsection (a); and

(3) for the fiscal year ending June 30, 1967, and for each of the next [two] *four* succeeding fiscal years, the sum of $20,000,000 per fiscal year for the purpose set forth in subsection (b).

GRANTS FOR WATER POLLUTION CONTROL PROGRAMS

SEC. 7. (a) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1957, and for each succeeding fiscal year to and including the fiscal year ending June 30, 1961, $3,000,000, for each succeeding fiscal year to and including the fiscal year ending June 30, 1967, $5,000,000, and for each succeeding fiscal year to and including the fiscal year ending June 30, 1971, $10,000,000 for grants to States and to interstate agencies to assist them in meeting the costs of establishing and maintaining adequate measures for the prevention and control of water pollution, including the training of personnel of public agencies.

(b) The portion of the sums appropriated pursuant to subsection (a) for a fiscal year which shall be available for grants to interstate agencies and the portion thereof which shall be available for grants to States shall be specified in the Act appropriating such sums.

(c) From the sums available therefor for any fiscal year the Secretary shall from time to time make allotments to the several States, in accordance with regulations, on the basis of (1) the population, (2) the extent of the water pollution problem, and (3) the financial need of the respective States.

(d) From each State's allotment under subsection (c) for any fiscal year the Secretary shall pay to such State an amount equal to

its Federal share (as determined under subsection (h)) of the cost of carrying out its State plan approved under subsection (f), including the cost of training personnel for State and local water pollution control work and including the cost of administering the State plan.

(e) From the sums available therefor for any fiscal year the Secretary shall from time to time make allotments to interstate agencies, in accordance with regulations, on such basis as the Secretary finds reasonable and equitable. He shall from time to time pay to each such agency, from its allotment, an amount equal to such portion of the cost of carrying out its plan approved under subsection (f) as may be determined in accordance with regulations, including the cost of training personnel for water pollution control work and including the cost of administering the interstate agency's plan. The regulations relating to the portion of the cost of carrying out the interstate agency's plan which shall be borne by the United States shall be designed to place such agencies, so far as practicable, on a basis similar to that of the States.

(f) The Secretary shall approve any plan for the prevention and control of water pollution which is submitted by the State water pollution control agency or, in the case of an interstate agency, by such agency, if such plan—

(1) provides for administration or for the supervision of administration of the plan by the State water pollution control agency or, in the case of a plan submitted by an interstate agency, by such interstate agency;

(2) provides that such agency will make such reports, in such form and containing such information, as the Secretary may from time to time reasonably require to carry out his functions under this Act;

(3) sets forth the plans, policies, and methods to be followed in carrying out the State (or interstate) plan and in its administration;

(4) provides for extension or improvement of the State or interstate program for prevention and control of water pollution;

(5) provides such accounting, budgeting, and other fiscal methods and procedures as are necessary for the proper and efficient administration of the plan; and

(6) sets forth the criteria used by the State in determining priority of projects as provided in section 8(b)(4).

The Secretary shall not disapprove any plan without first giving reasonable notice and opportunity for hearing to the State water pollution control agency or interstate agency which has submitted such plan.

(g)(1) Whenever the Secretary, after reasonable notice and opportunity for hearing to a State water pollution control agency or interstate agency finds that—

(A) the plan submitted by such agency and approved under this section has been so changed that it no longer complies with a requirement of subsection (f) of this section; or

(B) in the administration of the plan there is a failure to comply substantially with such a requirement,

the Secretary shall notify such agency that no further payments will be made to the State or to the interstate agency, as the case may be, under this section (or in his discretion that further payments will not be made to the State, or to the interstate agency, for projects under or parts of

the plan affected by such failure) until he is satisfied that there will no longer be any such failure. Until he is so satisfied, the Secretary shall make no further payments to such State, or to such interstate agency, as the case may be, under this section (or shall limit payments to projects under or parts of the plan in which there is no such failure).

(2) If any State or any interstate agency is dissatisfied with the Secretary's action with respect to it under this subsection, it may appeal to the United States court of appeals for the circuit in which such State (or any of the member States, in the case of an interstate agency) is located. The summons and notice of appeal may be served at any place in the United States. The findings of fact by the Secretary, unless contrary to the weight of the evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action. Such new or modified findings of fact shall likewise be conclusive unless contrary to the weight of the evidence. The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in title 28, United States Code, section 1254.

(h)(1) The "Federal share" for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States, except that (A) the Federal share shall in no case be more than 66⅔ per centum or less than 33⅓ per centum, and (B) the Federal share for Puerto Rico and the Virgin Islands shall be 66⅔ per centum.

(2) The "Federal shares" shall be promulgated by the Secretary between July 1 and September 30 of each even-numbered year, on the basis of the average of the per capita incomes of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce.

(3) As used in this subsection, the term "United States" means the fifty States and the District of Columbia.

(4) Promulgations made before satisfactory data are available from the Department of Commerce for a full year on the per capita income of Alaska shall prescribe a Federal share for Alaska of 50 per centum and, for purposes of such promulgations, Alaska shall not be included as part of the "United States". Promulgations made thereafter but before per capita income data for Alaska for a full three-year period are available for the Department of Commerce shall be based on satisfactory data available therefrom for Alaska for such one full year or, when such data are available for a two-year period, for such two years.

(i) The population of the several States shall be determined on the basis of the latest figures furnished by the Department of Commerce.

(j) The method of computing and paying amounts pursuant to subsection (d) or (e) shall be as follows:

(1) The Secretary shall, prior to the beginning of each calendar quarter or other period prescribed by him, estimate the amount to be paid to each State (or to each interstate agency in the case of subsection (e)) under the provisions of such subsection for such period,

such estimate to be based on such records of the State (or the interstate agency) and information furnished by it, and such other investigation, as the Secretary may find necessary.

(2) The Secretary shall pay to the State (or to the interstate agency), from the allotment available therefor, the amount so estimated by him for any period, reduced or increased, as the case may be, by any sum (not previously adjusted under this paragraph) by which he finds that his estimate of the amount to be paid such State (or such interstate agency) for any prior period under such subsection was greater or less than the amount which should have been paid to such State (or such agency) for such prior period under such subsection. Such payments shall be made through the disbursing facilities of the Treasury Department, in such installments as the Secretary may determine.

GRANTS FOR CONSTRUCTION

SEC. 8. (a) The Secretary is authorized to make grants to any State, municipality, or intermunicipal or interstate agency for the construction of necessary treatment works to prevent the discharge of untreated or inadequately treated sewage or other waste into any waters and for the purpose of reports, plans, and specifications in connection therewith.

(b) Federal grants under this section shall be subject to the following limitations: (1) No grant shall be made for any project pursuant to this section unless such project shall have been approved by the appropriate State water pollution control agency or agencies and by the Secretary and unless such project is included in a comprehensive program developed pursuant to this Act; (2) no grant shall be made for any project in an amount exceeding 30 per centum of the estimated reasonable cost thereof as determined by the Secretary; (3) no grant shall be made unless the grantee agrees to pay the remaining cost; (4) no grant shall be made for any project under this section until the applicant has made provision satisfactory to the Secretary for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof; and (5) no grant shall be made for any project under this section unless such project is in conformity with the State water pollution control plan submitted pursuant to the provisions of section 7 and has been certified by the appropriate State water pollution control agency as entitled to priority over other eligible projects on the basis of financial as well as water pollution control needs; (6) the percentage limitation of 30 per centum imposed by clause (2) of this subsection shall be increased to a maximum of 40 per centum in the case of grants made under this section from funds allocated for a fiscal year to a State under subsection (c) of this section if the State agrees to pay not less than 30 per centum of the estimated reasonable cost (as determined by the Secretary) of all projects for which Federal grants are to be made under this section from such allocation; (7) the percentage limitations imposed by clause (2) of this subsection shall be increased to a maximum of 50 per centum in the case of grants made under this section from funds allocated for a fiscal year to a State under subsection (c) of this section if the State agrees to pay not less than 25 per centum of the estimated reasonable costs (as determined by the Secretary) of all projects for which Federal grants are to be made under this section from such allocation and if

enforceable water quality standards have been established for the waters into which the project discharges, in accordance with section 10(c) of this Act in the case of interstate waters, and under State law in the case of intrastate waters.

(c) In determining the desirability of projects for treatment works and of approving Federal financial aid in connection therewith, consideration shall be given by the Secretary to the public benefits to be derived by the construction and the propriety of Federal aid in such construction, the relation of the ultimate cost of constructing and maintaining the works to the public interest and to the public necessity for the works, and the adequacy of the provisions made or proposed by the applicant for such Federal financial aid for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof. The sums appropriated pursuant to subsection (d) for each fiscal year ending on or before June 30, 1965, and the first $100,000,000 appropriated pursuant to subsection (d) for each fiscal year beginning on or after July 1, 1965, shall be allotted by the Secretary from time to time, in accordance with regulations, as follows: (1) 50 per centum of such sums in the ratio that the population of each State bears to the population of all the States, and (2) 50 per centum of such sums in the ratio that the quotient obtained by dividing the per capita income of the United States by the per capita income of each State bears to the sum of such quotients for all the States. All sums in excess of $100,000,000 appropriated pursuant to subsection (d) for each fiscal year beginning on or after July 1, 1965, shall be allotted by the Secretary from time to time, in accordance with regulations, in the ratio that the population of each State bears to the population of all States. Sums allotted to a State under the two preceding sentences which are not obligated within six months following the end of the fiscal year for which they were allotted because of a lack of projects which have been approved by the State water pollution control agency under subsection (b)(1) of this section and certified as entitled to priority under subsection (b)(4) of this section, shall be reallotted by the Secretary, on such basis as he determines to be reasonable and equitable and in accordance with regulations promulgated by him, to States having projects approved under this section for which grants have not been made because of lack of funds *including States having projects eligible for reimbursement pursuant to the sixth and seventh sentences of this subsection: Provided, however,* That whenever a State has funds subject to reallocation and the Secretary finds that the need for a project in a community in such State is due in part to any Federal institution or Federal construction activity, he may, prior to such reallocation, make an additional grant with respect to such project which will in his judgment reflect an equitable contribution for the need caused by such Federal institution or activity. Any sum made available to a State by reallotment under the preceding sentence shall be in addition to any funds otherwise allotted to such State under this Act. The allotments of a State under the second, third, and fourth sentences of this subsection shall be available, in accordance with the provisions of this section, for payments with respect to projects in such State which have been approved under this section, except that in the case of any project on which construction was initiated in such State after

June 30, 1966, which was approved by the appropriate State water pollution control agency and which the Secretary finds meets the requirements of this section but was constructed without such assistance, such allotments for any fiscal year ending prior to July 1, 1971, shall also be available for payments in reimbursement of State or local funds used for such project prior to July 1, 1971, to the extent that assistance could have been provided under this section if such project had been approved pursuant to this section and adequate funds had been available. In the case of any project on which construction was initiated in such State after June 30, 1966, and which was constructed with assistance pursuant to this section but the amount of such assistance was a lesser per centum of the cost of construction than was allowable pursuant to this section, such allotments shall also be available for payments in reimbursement of State or local funds used for such project prior to July 1, 1971, to the extent that assistance could have been provided under this section if adequate funds had been available. Neither a finding by the Secretary that a project meets the requirements of this subsection, nor any other provision of this subsection, shall be construed to constitute a commitment or obligation of the United States to provide funds to make or pay any grant for such project. For purposes of this section, population shall be determined on the basis of the latest decennial census for which figures are available, as certified by the Secretary of Commerce, and per capita income for each State and for the United States shall be determined on the basis of the average of the per capita incomes of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce.

(d) There are hereby authorized to be appropriated for each fiscal year through and including the fiscal year ending June 30, 1961, the sum of $50,000,000 per fiscal year for the purpose of making grants under this section. There are hereby authorized to be appropriated, for the purpose of making grants under this section, $80,000,000 for the fiscal year ending June 30, 1962, $90,000,000 for the fiscal year ending June 30, 1963, $100,000,000 for the fiscal year ending June 30, 1964, $100,000,000 for the fiscal year ending June 30, 1965, $150,000,000 for the fiscal year ending June 30, 1966, $150,000,000 for the fiscal year ending June 30, 1967; $450,000,000 for the fiscal year ending June 30, 1968; $700,000,000 for the fiscal year ending June 30, 1969; $1,000,000,000 for the fiscal year ending June 30, 1970; and $1,250,000,000 for the fiscal year ending June 30, 1971. Sums so appropriated shall remain available until expended. At least 50 per centum of the funds so appropriated for each fiscal year ending on or before June 30, 1965, and at least 50 per centum of the first $100,000,000 so appropriated for each fiscal year beginning on or after July 1, 1965, shall be used for grants for the construction of treatment works servicing municipalities of one hundred and twenty-five thousand population or under.

(e) The Secretary shall make payments under this section through the disbursing facilities of the Department of the Treasury. Funds so paid shall be used exclusively to meet the cost of construction of the project for which the amount was paid. As used in this section the term "construction" includes preliminary planning to determine the economic and engineering feasibility of treatment works, the engineering, architectural, legal, fiscal, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures,

and other action necessary to the construction of treatment works; and the erection, building, acquisition, alteration, remodeling, improvement, or extension of treatment works; and the inspection and supervision of the construction of treatment works.

(f) Notwithstanding any other provisions of this section, the Secretary may increase the amount of a grant made under subsection (b) of this section by an additional 10 per centum of the amount of such grant for any project which has been certified to him by an official State, metropolitan, or regional planning agency empowered under State or local laws or interstate compact to perform metropolitan or regional planning for a metropolitan area within which the assistance is to be used, or other agency or instrumentality designated for such purposes by the Governor (or Governors in the case of interstate planning) as being in conformity with the comprehensive plan developed or in process of development for such metropolitan area. For the purposes of this subsection, the term "metropolitan area" means either (1) a standard metropolitan statistical area as defined by the Bureau of the Budget, except as may be determined by the President as not being appropriate for the purposes hereof, or (2) any urban area, including those surrounding areas that form an economic and socially related region, taking into consideration such factors as present and future population trends and patterns of urban growth, location of transportation facilities and systems, and distribution of industrial, commercial, residential, governmental, institutional, and other activities, which in the opinion of the President lends itself as being appropriate for the purposes hereof.

(g) The Secretary shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on projects for which grants are made under this section shall be paid wages at rates not less than those prevailing for the same type of work on similar construction in the immediate locality, as determined by the Secretary of Labor, in accordance with the Act of March 3, 1931, as amended, known as the Davis-Bacon Act (46 Stat. 1494; 40 U.S.C., secs. 276a through 276a–5). The Secretary of Labor shall have, with respect to the labor standards specified in this subsection, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 133z–15) and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276c).

WATER POLLUTION CONTROL ADVISORY BOARD

SEC. 9. (a)(1) There is hereby established in the Department of Health, Education, and Welfare, a Water Pollution Control Advisory Board, composed of the Secretary or his designee, who shall be chairman, and nine members appointed by the President, none of whom shall be Federal officers or employees. The appointed members, having due regard for the purposes of this Act, shall be selected from among representatives of various State, interstate and local governmental agencies, of public or private interests contributing to, affected by, or concerned with water pollution, and of other public and private agencies, organizations, or groups demonstrating an active interest in the field of water pollution prevention and control, as well as other individuals who are expert in this field.

(2)(A) Each member appointed by the President shall hold office for a term of three years, except that (i) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (ii) the terms of office of the members first taking office after June 30, 1956, shall expire as follows: three at the end of one hear after such date, three at the end of two years after such date, and three at the end of three years after such date, as designated by the President at the time of appointment, and (iii) the term of any member under the preceding provisions shall be extended until the date on which his successor's appointment is effective. None of the members appointed by the President shall be eligible for reappointment within one year after the end of his preceding term but terms commencing prior to the enactment of the Water Pollution Control Act Amendments of 1956 shall not be deemed "preceding terms" for purposes of this sentence.

(B) The members of the Board who are not officers or employees of the United States, while attending conferences or meetings of the Board or while otherwise serving at the request of the Secretary, shall be entitled to receive compensation at a rate to be fixed by the Secretary, but not exceeding $50 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

(b) The Board shall advise, consult with, and make recommendations to the Secretary on matters of policy relating to the activities and functions of the Secretary under this Act.

(c) Such clerical and technical assistance as may be necessary to discharge the duties of the Board shall be provided from the personnel of the Department of Health, Education, and Welfare.

ENFORCEMENT MEASURES AGAINST POLLUTION OF INTERSTATE OR NAVIGABLE WATERS

SEC. 10. (a) The pollution of interstate or navigable waters in or adjacent to any State or States (whether the matter causing or contributing to such pollution is discharged directly into such waters or reaches such waters after discharge into a tributary of such waters), which endangers the health or welfare of any persons, shall be subject to abatement as provided in this Act.

(b) Consistent with the policy declaration of this Act, State and interstate action to abate pollution of interstate or navigable waters shall be encouraged and shall not, except as otherwise provided by or pursuant to court order under subsection (h), be displaced by Federal enforcement action.

(c)(1) If the Governor of a State or a State water pollution control agency files, within one year after the date of enactment of this subsection, a letter of intent that such State, after public hearings, will before June 30, 1967, adopt (A) water quality criteria applicable to interstate waters or portions thereof within such State, and (B) a plan for the implementation and enforcement of the water quality criteria adopted, and if such criteria and plan are established in accordance with the letter of intent, and if the Secretary determines that such

State criteria and plan are consistent with paragraph (3) of this subsection, such State criteria and plan shall thereafter be the water quality standards applicable to such interstate waters or portions thereof.

(2) If a State does not (A) file a letter of intent or (B) establish water quality standards in accordance with paragraphs (1) of this subsection, or of the Secretary or the Governor of any State affected by water quality standards established pursuant to this subsection desires a revision in such standards, the Secretary may, after reasonable notice and a conference of representatives of appropriate Federal departments and agencies, interstate agencies, States, municipalities and industries involved, prepare regulations setting forth standards of water quality to be applicable to interstate waters or portions thereof. If, within six months from the date the Secretary publishes such regulations, the State has not adopted water quality standards found by the Secretary to be consistent with paragraph (3) of this subsection, or a petition for public hearing has not been filed under paragraph (4) of this subsection, the Secretary shall promulgate such standards.

(3) Standards of quality established pursuant to this subsection shall be such as to protect the public health or welfare, enhance the quality of water and serve the purposes of this Act. In establishing such standards the Secretary, the Hearing Board, or the appropriate State authority shall take into consideration their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses. *In establishing such standards the Secretary, the hearing board, or the appropriate State authority shall take into consideration their use and value for navigation.*

(4) If at any time prior to 30 days after standards have been promulgated under paragraph (2) of this subsection, the Governor of any State affected by such standards petitions the Secretary for a hearing, the Secretary shall call a public hearing, to be held in or near one or more of the places where the water quality standards will take effect before a Hearing Board of five or more persons appointed by the Secretary. Each State which would be affected by such standards shall be given an opportunity to select one member of the Hearing Board. The Department of Commerce and other affected Federal departments and agencies shall each be given an opportunity to select a member of the Hearing Board and not less than a majority of the Hearing Board shall be persons other than officers or employees of the Department of Health, Education, and Welfare. The members of the Board who are not officers or employees of the United States, while participating in the hearing conducted by such Hearing Board or otherwise engaged on the work of such Hearing Board, shall be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding $100 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b–2), for persons in the Government service employed intermittently. Notice of such hearing shall be published in the Federal Register and given to the State water pollution control agencies, interstate agencies and municipalities involved at least 30 days prior to the date of such hearing. On the basis of the

evidence presented at such hearing, the Hearing Board shall make findings as to whether the standards published or promulgated by the Secretary should be approved or modified and transmit its findings to the Secretary. If the Hearing Board approves the standards as published or promulgated by the Secretary, the standards shall take effect on receipt by the Secretary of the Hearing Board's recommendations. If the Hearing Board recommends modifications in the standards as published or promulgated, by the Secretary, the Secretary shall promulgate revised regulations setting forth standards of water quality in accordance with the Hearing Board's recommendations which will become effective immediately upon promulgation.

(5) The discharge of matter into such interstate waters or portions thereof, which reduces the quality of such waters below the water quality standards established under this subsection (whether the matter causing or contributing to such reduction is discharged directly into such waters or reaches such waters after discharge into tributaries of such waters), is subject to abatement in accordance with the provisions of paragraph (1) or (2) of subsection (g) of this section, except that at least 180 days before any abatement action is initiated under either paragraph (1) or (2) of subsection (g) as authorized by this subsection, the Secretary shall notify the violators and other interested parties of the violation of such standards. In any suit brought under the provisions of this subsection the court shall receive in evidence a transcript of the proceedings of the conference and hearing provided for in this subsection, together with the recommendations of the conference and Hearing Board and the recommendations and standards promulgated by the Secretary, and such additional evidence, including that relating to the alleged violation of the standards, as it deems necessary to a complete review of the standards and to a determination of all other issues relating to the alleged violation. The court, giving due consideration to the practicability and to the physical and economic feasibility of complying with such standards, shall have jurisdiction to enter such judgment and orders enforcing such judgment as the public interest and the equities of the case may require.

(6) Nothing in this subsection shall (A) prevent the application of this section to any case to which subsection (a) of this section would otherwise be applicable, or (B) extend Federal jurisdiction over water not otherwise authorized by this Act.

(7) In connection with any hearings under this section no witness or any other person shall be required to divulge trade secrets or secret processes.

(d)(1) Whenever requested by the Governor of any State or a State water pollution control agency, or (with the concurrence of the Governor and of the State water pollution control agency for the State in which the municipality is situated) the governing body of any municipality, the Secretary shall, if such request refers to pollution of waters which is endangering the health or welfare of persons in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originates, give formal notification thereof to the water pollution control agency and interstate agency, if any, of the State or States where such discharge or discharges originate and shall call promptly a conference of such agency or agencies and of the

State water pollution control agency and interstate agency, if any, of the State or States, if any, which may be adversely affected by such pollution. Whenever requested by the Governor of any State, the Secretary shall, if such request refers to pollution of interstate or navigable waters which is endangering the health or welfare of persons only in the requesting State in which the discharge or discharges (causing or contributing to such pollution) originate, give formal notification thereof to the water pollution control agency and interstate agency, if any, of such State and shall promptly call a conference of such agency or agencies, unless, in the judgment of the Secretary, the effect of such pollution on the legitimate uses of the waters is not of sufficient significance to warrant exercise of Federal jurisdiction under this section. The Secretary shall also call such a conference whenever, on the basis of reports, surveys, or studies, he has reason to believe that any pollution referred to in subsection (a) and endangering the health or welfare of persons in a State other than that in which the discharge or discharges originate is occurring; or he finds that substantial economic injury results from the inability to market shellfish or shellfish products in interstate commerce because of pollution referred to in subsection (a) and action of Federal, State, or local authorities.

(2) Whenever the Secretary, upon receipt of reports, surveys, or studies from any duly constituted international agency, has reason to believe that any pollution referred to in subsection (a) of this section which endangers the health or welfare of persons in a foreign country is occurring, and the Secretary of State requests him to abate such pollution, he shall give formal notification thereof to the State water pollution control agency of the State in which such discharge or discharges originate and to the interstate water pollution control agency, if any, and shall call promptly a conference of such agency or agencies, if he believes that such pollution is occurring in sufficient quantity to warrant such action. The Secretary, through the Secretary of State, shall invite the foreign country which may be adversely affected by the pollution to attend and participate in the conference, and the representative of such country shall, for the purpose of the conference and any further proceeding resulting from such conference, have all the rights of a State water pollution control agency. This paragraph shall apply only to a foreign country which the Secretary determines has given the United States essentially the same rights with respect to the prevention and control of water pollution occurring in that country as is given that country by this paragraph. Nothing in this paragraph shall be construed to modify, amend, repeal, or otherwise affect the provisions of the 1909 Boundary Waters Treaty between Canada and the United States or the Water Utilization Treaty of 1944 between Mexico and the United States (59 Stat. 1219), relative to the control and abatement of water pollution in waters covered by those treaties.

(3) The agencies called to attend such conference may bring such persons as they desire to the conference. In addition, it shall be the responsibility of the chairman of the conference to give every person contributing to the alleged pollution or affected by it an opportunity to make a full statement of his views to the conference. Not less than three weeks' prior notice of the conference date shall be given to such agencies.

(4) Following this conference, the Secretary shall prepare and forward to all the water pollution control agencies attending the conference a summary of conference discussions including (A) occurrence of pollution of interstate or navigable waters subject to abatement under this Act; (B) adequacy of measures taken toward abatement of the pollution; and (C) nature of delays, if any, being encountered in abating the pollution.

(e) If the Secretary believes, upon the conclusion of the conference or thereafter, that effective progress toward abatement of such pollution is not being made and that the health or welfare of any persons is being endangered, he shall recommend to the appropriate State water pollution control agency that it take necessary remedial action. The Secretary shall allow at least six months from the date he makes such recommendations for the taking of such recommended action.

(f)(1) If, at the conclusion of the period so allowed, such remedial action has not been taken, or action which in the judgment of the Secretary is reasonably calculated to secure abatement of such pollution has not been taken, the Secretary shall call a public hearing, to be held in or near one or more of the places where the discharge or discharges causing or contributing to such pollution originated, before a Hearing Board of five or more persons appointed by the Secretary. Each State in which any discharge causing or contributing to such pollution originates and each State claiming to be adversely affected by such pollution shall be given an opportunity to select one member of the Hearing Board and at least one member shall be a representative of the Department of Commerce, and not less than a majority of the Hearing Board shall be persons other than officers or employees of the Department of Health, Education, and Welfare. At least three weeks' prior notice of such hearing shall be given to the State water pollution control agencies and interstate agencies, if any, called to attend the aforesaid hearing and the alleged polluter or polluters. It shall be the responsibility of the Hearing Board to give every person contributing to the alleged pollution or affected by it an opportunity to make a full statement of his views to the Hearing Board. On the basis of the evidence presented at such hearing, the Hearing Board shall make findings as to whether pollution referred to in subsection (a) is occurring and whether effective progress toward abatement thereof is being made. If the Hearing Board finds such pollution is occurring and effective progress toward abatement thereof is not being made it shall make recommendations to the Secretary concerning the measures, if any, which it finds to be reasonable and equitable to secure abatement of such pollution. The Secretary shall send such findings and recommendations to the person or persons discharging any matter causing or contributing to such pollution, together with a notice specifying a reasonable time (not less than six months) to secure abatement of such pollution, and shall also send such findings and recommendations and such notice to the State water pollution control agency and to the interstate agency, if any, of the State or States where such discharge or discharges originate.

(2) In connection with any hearing called under this section the Secretary is authorized to require any person whose alleged activities result in discharges causing or contributing to water pollution to file with him, in such form as he may prescribe, a report based on existing data, furnishing such information as may reasonably be required as

to the character, kind, and quantity of such discharges and the use of facilities or other means to prevent or reduce such discharges by the person filing such a report. Such report shall be made under oath or otherwise, as the Secretary may prescribe, and shall be filed with the Secretary within such reasonable period as the Secretary may prescribe, unless additional time be granted by the Secretary. No person shall be required in such report to divulge trade secrets or secret processes, and all information reported shall be considered confidential for the purposes of section 1905 of title 18 of the United States Code.

(3) If any person required to file any report under paragraph (2) of this subsection shall fail to do so within the time fixed by the Secretary for filing the same, and such failure shall continue for thirty days after notice of such default, such person shall forefeit to the United States the sum of $100 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States brought in the district where such person has his principal office or in any district in which he does business. The Secretary may upon application therefor remit or mitigate any forfeiture provided for under this paragraph and he shall have authority to determine the facts upon all such applications.

(4) It shall be the duty of the various United States attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of such forfeitures.

(g) If action reasonably calculated to secure abatement of the pollution within the time specified in the notice following the public hearing is not taken, the Secretary—

(1) in the case of pollution of waters which is endangering the health or welfare of persons in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originate, may request the Attorney General to bring a suit on behalf of the United States to secure abatement of pollution, and

(2) in the case of pollution of waters which is endangering the health or welfare of persons only in the State in which the discharge or discharges (causing or contributing to such pollution) originate, may, with the written consent of the Governor of such State, request the Attorney General to bring a suit on behalf of the United States to secure abatement of the pollution.

(h) The court shall receive in evidence in any such suit a transcript of the proceedings before the Board and a copy of the Board's recommendations and shall receive such further evidence as the court in its discretion deems proper. The court, giving due consideration to the practicability and to the physical and economic feasibility of securing abatement of any pollution proved, shall have jurisdiction to enter such judgment, and orders enforcing such judgment, as the public interest and the equities of the case may require.

(i) Members of any Hearing Board appointed pursuant to subsection (f) who are not regular full-time officers or employees of the United States shall, while participating in the hearing conducted by such Board or otherwise engaged on the work of such Board, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding $100 per diem, including travel time, and while away

from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

(j) As used in this section the term—

(1) "person" includes an individual, corporation, partnership, association, State, municipality, and political subdivision of a State, and

(2) "municipality" means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law.

(k)(1) At the request of a majority of the conferees in any conference called under this section the Secretary is authorized to request any person whose alleged activities result in discharges causing or contributing to water pollution, to file with him a report (in such form as may be prescribed in regulations promulgated by him) based on existing data, furnishing such information as may reasonably be requested as to the character, kind, and quantity of such discharges and the use of facilities or other means to prevent or reduce such discharges by the person filing such a report. No person shall be required in such report to divulge trade secrets or secret processes, and all information reported shall be considered confidential for the purposes of section 1905 of title 18 of the United States Code.

(2) If any person required to file any report under this subsection shall fail to do so within the time fixed by regulations for filing the same, and such failure shall continue for thirty days after notice of such default, such person may, by order of a majority of the conferees, be subject to a forfeiture of $100 for each and every day of the continuance of such failure which forfeiture shall be payable into the Treasury of the United States and shall be recoverable in a civil suit in the name of the United States brought in the district where such person has his principal office or in any district in which he does business. The Secretary may upon application therefor remit or mitigate any forfeiture provided for under this subsection and he shall have authority to determine the facts upon all such applications.

(3) It shall be the duty of the various United States attorneys, under the direction of the Attorney General of the United States to prosecute for the recovery of such forfeitures.

CONTROL OF POLLUTION BY OIL

SEC. 11. (a) For the purpose of this section, the term—

(1) "oil" means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil;

(2) "discharge" includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying or dumping;

(3) "vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water other than a public vessel;

(4) "public vessel" means a vessel owned or bare-boat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce;

(5) "United States" means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

(6) "owner or operator" means (A) in the case of a vessel, any person owning, operating, or chartering by demise, such vessel, and (B) in the case of an onshore facility, and an offshore facility, any person owning or operating such onshore facility or offshore facility, and (C) in the case of any abandoned offshore facility, the person who owned or operated such facility immediately prior to such abandonment;

(7) "person" includes an individual, firm, corporation, association, and a partnership;

(8) "remove" or "removal" refers to removal of the oil from the water and shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches;

(9) "contiguous zone" means the entire zone established or to be established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone;

(10) "onshore facility" means any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under, any land within the United States other than submerged land;

(11) "offshore facility" means any facility of any kind located in, on, or under, any of the navigable waters of the United States other than a vessel or a public vessel;

(12) "act of God" means an act occasioned by an unanticipated grave natural disaster;

(13) "barrel" means 42 United States gallons at 60 degrees Fahrenheit.

(b)(1) The Congress hereby declares that it is the policy of the United States that there should be no discharges of oil into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone.

(2) The discharge of oil into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone in harmful quantities as determined by the President under paragraph (3) of this subsection, is prohibited, except (A) in the case of such discharges into the waters of the contiguous zone, where permitted under article IV of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended, and (B) where permitted in quantities and at times and locations or under such circumstances or conditions as the President may, by regulation, determine not to be harmful. Any regulations issued under this subsection shall be consistent with maritime safety and with marine and navigation laws and regulations and applicable water quality standards.

(3) The President shall by regulation, to be issued as soon as possible after the date of enactment of this paragraph, determine for the purposes of this section, those quantities of oil the discharge of which, at such times, locations, circumstances, and conditions, will be harmful to the public health or welfare of the United States, including, but not limited to, fish,

shellfish, wildlife, and public and private property, shorelines, and beaches except that in the case of the discharge of oil into or upon the waters of the contiguous zone, only those discharges which threaten the fishery resources of the contiguous zone or threaten to pollute or contribute to the pollution of the territory or the territorial sea of the United States may be determined to be harmful.

(4) Any person in charge of a vessel or of an onshore facility or an offshore facility shall, as soon as he has knowledge of any discharge of oil from such vessel or facility in violation of paragraph (2) of this subsection, immediately notify the appropriate agency of the United States Government of such discharge. Any such person who fails to notify immediately such agency of such discharge shall, upon conviction, be fined not more than $10,000, or imprisoned for not more than one year, or both. Notification received pursuant to this paragraph or information obtained by the exploitation of such notification shall not be used against any such person in any criminal case, except a prosecution for perjury or for giving a false statement.

(5) Any owner or operator of any vessel, onshore facility, or offshore facility from which oil is knowingly discharged in violation of paragraph (2) of this subsection shall be assessed a civil penalty by the Secretary of the department in which the Coast Guard is operating of not more than $10,000 for each offense. No penalty shall be assessed unless the owner or operator charged shall have been given notice and opportunity for a hearing on such charge. Each violation is a separate offense. Any such civil penalty may be compromised by such Secretary. In determining the amount of the penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the owner or operator charged, the effect on the owner or operator's ability to continue in business, and the gravity of the violation, shall be considered by such Secretary. The Secretary of the Treasury shall withhold at the request of such Secretary the clearance required by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C. 91), of any vessel the owner or operator of which is subject to the foregoing penalty. Clearance may be granted in such cases upon the filing of a bond or other surety satisfactory to such Secretary.

(c)(1) Whenever any oil is discharged, into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone, the President is authorized to act to remove or arrange for the removal of such oil at any time, unless he determines such removal will be done properly by the owner or operator of the vessel, onshore facility, or offshore facility from which the discharge occurs.

(2) Within sixty days after the effective date of this section, the President shall prepare and publish a National Contingency Plan for removal of oil pursuant to this subsection. Such National Contingency Plan shall provide for efficient, coordinated, and effective action to minimize damage from oil discharges, including containment, dispersal, and removal of oil, and shall include, but not be limited to—

(A) assignment of duties and responsibilities among Federal departments and agencies in coordination with State and local agencies, including, but not limited to, water pollution control, conservation, and port authorities;

(B) identification, procurement, maintenance, and storage of equipment and supplies;

(C) establishment or designation of a strike force consisting of personnel who shall be trained, prepared, and available to provide

necessary services to carry out the Plan, including the establishment at major ports, to be determined by the President, of emergency task forces of trained personnel, adequate oil pollution control equipment and material, and a detailed oil pollution prevention and removal plan;

(D) a system of surveillance and notice designed to insure earliest possible notice of discharges of oil to the appropriate Federal agency;

(E) establishment of a national center to provide coordination and direction for operations in carrying out the Plan;

(F) procedures and techniques to be employed in identifying, containing, dispersing, and removing oil; and

(G) a schedule, prepared in cooperation with the States, identifying (i) dispersants and other chemicals, if any, that may be used in carrying out the Plan, (ii) the waters in which such dispersants and chemicals may be used, and (iii) the quantities of such dispersant or chemical which can be used safely in such waters, which schedule shall provide in the case of any dispersant, chemical, or waters not specifically identified in such schedule that the President, or his delegate, may, on a case-by-case basis, identify the dispersants and other chemicals which may be used, the waters in which they may be used, and the quantities which can be used safely in such waters.

The President may, from time to time, as he deems advisable, revise or otherwise amend the National Contingency Plan. After publication of the National Contingency Plan, the removal of oil and actions to minimize damage from oil discharges shall, to the greatest extent possible, be in accordance with the National Contingency Plan.

(d) Whenever a marine disaster in or upon the navigable waters of the United States has created a substantial threat of a pollution hazard to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife and the public and private shorelines and beaches of the United States, because of a discharge, or an imminent discharge, of large quantities of oil from a vessel the United States may (A) coordinate and direct all public and private efforts directed at the removal or elimination of such threat; and (B) summarily remove, and, if necessary, destroy such vessel by whatever means are available without regard to any provision of law governing the employment of personnel or the expenditure of appropriated funds. Any expense incurred under this subsection shall be a cost incurred by the United States Government for the purposes of subsection (f) in the removal of oil.

(e) In addition to any other action taken by a State or local government, when the President determines there is an imminent and substantial threat to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife and public and private property, shorelines, and beaches within the United States, because of an actual or threatened discharge of oil into or upon the navigable waters of the United States from an onshore or offshore facility, the President may require the United States attorney of the district in which the threat occurs to secure such relief as may be necessary to abate such threat, and the district courts of the United States shall have jurisdiction to grant such relief as the public interest and the equities of the case may require.

(f)(1) Except where an owner or operator can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such

owner or operator of any vessel from which oil is discharged in violation of subsection (b)(2) of this section shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil by the United States Government in an amount not to exceed $100 per gross ton of such vessel or $14,000,000, whichever is lesser, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. Such costs shall constitute a maritime lien on such vessel which may be recovered in an action in rem in the district court of the United States for any district within which any vessel may be found. The United States may also bring an action against the owner or operator of such vessel in any court of competent jurisdiction to recover such costs.

(2) Except where an owner or operator of an onshore facility can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any such facility from which oil is discharged in violation of subsection (b)(2) of this section shall be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil by the United States Government in an amount not to exceed $8,000,000, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. The United States may bring an action against the owner or operator of such facility in any court of competent jurisdiction to recover such costs. The Secretary is authorized, by regulation, after consultation with the Secretary of Commerce and the Small Business Administration, to establish reasonable and equitable classifications of those onshore facilities having a total fixed storage capacity of 1,000 barrels or less which he determines because of size, type, and location do not present a substantial risk of the discharge of oil in violation of subsection (b)(2) of this section, and apply with respect to such classifications differing limits of liability which may be less than the amount contained in this paragraph.

(3) Except where an owner or operator of an offshore facility can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any such facility from which oil is discharged in violation of subsection (b)(2) of this section shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil by the United States Government in an amount not to exceed $8,000,000, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. The United States may bring an action against the owner or operator of such a facility in any court of competent jurisdiction to recover such costs.

(g) In any case where an owner or operator of a vessel, of an onshore facility, or of an offshore facility, from which oil is discharged in violation of subsection (b)(2) of this section proves that such discharge of oil was caused solely by an act or omission of a third party, or was caused solely by such an act or omission in combination with an act of God, an act of war, or negligence on the part of the United States Government, such third party shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for removal of such oil by the United States Government, except where such third party can prove that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of another party without regard to whether such act or omission was or was not negligent, or any combination of the foregoing clauses. If such third party was the owner or operator of a vessel which caused the discharge of oil in violation of subsection (b)(2) of this section, the liability of such third party under this subsection shall not exceed $100 per gross ton of such vessel or $14,000,000, whichever is the lesser. In any other case the liability of such third party shall not exceed the limitation which would have been applicable to the owner or operator of the vessel or the onshore or offshore facility from which the discharge actually occurred, if such owner or operator were liable. If the United States can show that the discharge of oil in violation of subsection (b)(2) of this section was the result of willful negligence or willful misconduct within the privity and knowledge of such third party, such third party shall be liable to the United States Government for the full amount of such removal costs. The United States may bring an action against the third party in any court of competent jurisdiction to recover such removal costs.

(h) The liabilities established by this section shall in no way affect any rights which (1) the owner or operator of a vessel or of an onshore facility or an offshore facility may have against any third party whose acts may in any way have caused or contributed to such discharge, or (2) the United States Government may have against any third party whose actions may in any way have caused or contributed to the discharge of oil.

(i)(1) In any case where an owner or operator of a vessel or an onshore facility or an offshore facility from which oil is discharged in violation of subsection (b)(2) of this section acts to remove such oil in accordance with regulations promulgated pursuant to this section, such owner or operator shall be entitled to recover the reasonable costs incurred in such removal upon establishing, in a suit which may be brought against the United States Government in the United States Court of Claims, that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether such act or omission was or was not negligent, or of any combination of the foregoing causes.

(2) The provisions of this subsection shall not apply in any case where liability is established pursuant to the Outer Continental Shelf Lands Act.

(3) Any amount paid in accordance with a judgment of the United States Court of Claims pursuant to this section shall be paid from the fund established pursuant to subsection (k).

(j)(1) Consistent with the National Contingency Plan required by subsection (c)(2) of this section, as soon as practicable after the effective

date of this section, and from time to time thereafter, the President shall issue regulations consistent with maritime safety and with marine and navigation laws (A) establishing methods and procedures for removal of discharged oil, (B) establishing criteria for the development and implementation of local and regional oil removal contingency plans, (C) establishing procedures, methods, and requirements for equipment to prevent discharges of oil from vessels and from onshore facilities and offshore facilities, and (D) governing the inspection of vessels carrying cargoes of oil and the inspection of such cargoes in order to reduce the likelihood of discharges of oil from such vessels in violation of this section.

(2) Any owner or operator of a vessel or an onshore facility or an offshore facility and any other person subject to any regulation issued under paragraph (1) of this subsection who fails or refuses to comply with the provisions of any such regulation, shall be liable to a civil penalty of not more than $5,000 for each such violation. Each violation shall be a separate offense. The President may assess and compromise such penalty. No penalty shall be assessed until the owner, operator, or other person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the owner, operator, or other person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by the President.

(k) There is hereby authorized to be appropriated to a revolving fund to be established in the Treasury not to exceed $35,000,000 to carry out the provisions of subsections (c), (i), and (l) of this section and section 12 of this Act. Any other funds received by the United States under this section shall also be deposited in said fund for such purposes. All sums appropriated to, or deposited in, said fund shall remain available until expended.

(l) The President is authorized to delegate the administration of this section to the heads of those Federal departments, agencies, and instrumentalities which he determines to be appropriate. Any moneys in the fund established by subsection (k) of this section shall be available to such Federal departments, agencies, and instrumentalities to carry out the provisions of subsections (c) and (i) of this section and section 12 of this Act. Each such department, agency, and instrumentality, in order to avoid duplication of effort, shall, whenever appropriate, utilize the personnel, services, and facilities of other Federal departments, agencies, and instrumentalities.

(m) Anyone authorized by the President to enforce the provisions of this section may, except as to public vessels, (A) board and inspect any vessel upon the navigable waters of the United States or the waters of the contiguous zone, (B) with or without a warrant arrest any person who violates the provisions of this section or any regulation issued thereunder in his presence or view, and (C) execute any warrant or other process issued by an officer or court of competent jurisdiction.

(n) The several district courts of the United States are invested with jurisdiction for any actions, other than actions pursuant to subsection (i)(1), arising under this section. In the case of Guam, such actions may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the

Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone, such actions may be brought in the United States District Court for the District of the Canal Zone.

(o)(1) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel, or of any owner or operator of any onshore facility or offshore facility to any person or agency under any provision of law for damages to any publicly-owned or privately-owned property resulting from a discharge of any oil or from the removal of any such oil.

(2) Nothing in this section shall be construed as preempting any State or political subdivision thereof from imposing any requirement or liability with respect to the discharge of oil into any waters within such State.

(3) Nothing in this section shall be construed as affecting or modifying any other existing authority of any Federal department, agency, or instrumentality, relative to onshore or offshore facilities under this Act or any other provision of law, or to affect any State or local law not in conflict with this section.

(p)(1) Any vessel over three hundred gross tons, including any barge of equivalent size, using any port or place in the United States or the navigable waters of the United States for any purpose shall establish and maintain under regulations to be prescribed from time to time by the President, evidence of financial responsibility of $100 per gross ton, or $14,000,000 whichever is the lesser, to meet the liability to the United States which such vessel could be subjected under this section. In cases where an owner or operator owns, operates, or charters more than one such vessel, financial responsibility need only be established to meet the maximum liability to which the largest of such vessels could be subjected. Financial responsibility may be established by any one of, or a combination of, the following methods acceptable to the President: (A) evidence of insurance, (B) surety bonds, (C) qualification as a self-insurer, or (D) other evidence of financial responsibility. Any bond filed shall be issued by a bonding company authorized to do business in the United States.

(2) The provisions of paragraph (1) of this subsection shall be effective one year after the effective date of this section. The President shall delegate the responsibility to carry out the provisions of this subsection to the appropriate agency head within sixty days after the date of enactment of this section. Regulations necessary to implement this subsection shall be issued within six months after the date of enactment of this section.

(3) Any claim for costs incurred by such vessel may be brought directly against the insurer or any other person providing evidence of financial responsibility as required under this subsection. In the case of any action pursuant to this subsection such insurer or other person shall be entitled to invoke all rights and defenses which would have been available to the owner or operator if an action had been brought against him by the claimant, and which would have been available to him if an action had been brought against him by the owner or operator.

(4) The Secretary of Transportation, in consultation with the Secretaries of Interior, State, Commerce, and other interested Federal agencies, representatives of the merchant marine, oil companies, insurance companies, and other interested individuals and organizations, and taking

into account the results of the application of paragraph (1) of this subsection, shall conduct a study of the need for and, to the extent determined necessary—

(A) other measures to provide financial responsibility and limitation of liability with respect to vessels using the navigable waters of the United States;

(B) measures to provide financial responsibility for all onshore and offshore facilities; and

(C) other measures for limitation of liability of such facilities;

for the cost of removing discharged oil and paying all damages resulting from the discharge of such oil. The Secretary of Transportation shall submit a report, together with any legislative recommendations, to Congress and the President by January 1, 1971.

CONTROL OF HAZARDOUS POLLUTING SUBSTANCES

SEC. 12. (a) The President shall, in accordance with subsection (b) of this section, develop, promulgate, and revise as may be appropriate, regulations (1) designating as hazardous substances, other than oil as defined in section 11 of this Act, such elements and compounds which, when discharged in any quantity into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone, present an imminent and substantial danger to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, shorelines, and beaches; and (2) establishing, if appropriate, recommended methods and means for the removal of such substances.

(b) Sections 551 through 559, inclusive (other than section 553(c)), and 701 through 706, inclusive, of title 5, United States Code, shall apply to regulations issued under authority of this section.

(c) In order to facilitate the removal, if appropriate, of any hazardous substance any person in charge of a vessel or of an onshore or offshore facility of any kind shall, as soon as he has knowledge of any discharge of such substance from such vessel or facility, immediately notify the appropriate agency of the United States of such discharge.

(d) Whenever any hazardous substance is discharged into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone, unless removal is immediately undertaken by the owner or operator of the vessel or onshore or offshore facility from which the discharge occurs or which caused the discharge, pursuant to the regulations promulgated under this section, the President, if appropriate, shall remove or arrange for the removal thereof in accordance with such regulations. Nothing in this subsection shall be construed to restrict the authority of the President to act to remove or arrange for the removal of such hazardous substance at any time.

(e) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel, onshore or offshore facility to any person or agency under any provision of law for damages to any publicly- or privately-owned property resulting from a discharge of any hazardous substance or from the removal of any such substance.

(f)(1) For the purpose of this section the definitions in subsection (a) of section 11 of this Act shall be applicable to the provisions of this section, except as provided in paragraph (2) of this subsection:

(2) For the purpose of this section, the term—

(A) "remove" or "removal" refers to removal of the hazardous substances from the water and shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to

the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches;

(B) "owner or operator" means any person owning, operating, chartering by demise, or otherwise controlling the operations of, a vessel, or any person owning, operating, or otherwise controlling the operations of an onshore or offshore facility; and

(C) "offshore or onshore facility" means any facility of any kind and related appurtenances thereto which is located in, on, or under the surface of any land, or permanently or temporarily affixed to any land, including lands beneath the navigable waters of the United States and which is used or capable of use for the purpose of processing, transporting, producing, storing, or transferring for commercial purposes any hazardous substance designated under this section.

(g) The President shall submit a report to the Congress, together with his recommendations, not later than November 1, 1970, on the need for, and desirability of, enacting legislation to impose liability for the cost of removal of hazardous substances discharged from vessels and onshore and offshore facilities subject to this section including financial responsibility requirements. In preparing this report, the President shall conduct an accelerated study which shall include, but not be limited to, the method and measures for controlling hazardous substances to prevent this discharge, and the most appropriate measures for (1) enforcement (including the imposition of civil and criminal penalties for discharges and for failure to notify) and (2) recovery of costs incurred by the United States if removal is undertaken by the United States. In carrying out this study, the President shall consult with the interested representatives of the various public and private groups that would be affected by such legislation as well as other interested persons.

(h) Any moneys in the funds established by section 11 of this Act shall be available to the President to carry out the purposes of this section. In carrying out this section the President shall utilize the personnel, services, and facilities of Federal departments, agencies, and instrumentalities in such manner as will avoid duplication of effort.

CONTROL OF SEWAGE FROM VESSELS

SEC. 13. (a) For the purpose of this section, the term—

(1) "new vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which is initiated after promulgation of standards and regulations under this section;

(2) "existing vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which is initiated before promulgation of standards and regulations under this section;

(3) "public vessel" means a vessel owned or bareboat chartered and operated by the United States, by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce;

(4) "United States" includes the States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Canal Zone, and the Trust Territory of the Pacific Islands;

(5) "marine sanitation device" includes any equipment for installation on board a vessel which is designed to receive, retain, treat, or discharge sewage, and any process to treat such sewage;

(6) "sewage" means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

(7) "manufacturer" means any person engaged in the manufacturing, assembling, or importation of marine sanitation devices or of vessels subject to standards and regulations promulgated under this section;

(8) "person" means an individual, partnership, firm, corporation, or association, but does not include an individual on board a public vessel;

(9) "discharge" includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(b)(1) As soon as possible, after the enactment of this section and subject to the provisions of section 5(j) of this Act, the Secretary, after consultation with the Secretary of the department in which the Coast Guard is operating, after giving appropriate consideration to the economic costs involved, and within the limits of available technology, shall promulgate Federal standards of performance for marine sanitation devices (hereafter in this section referred to as "standards") which shall be designed to prevent the discharge of untreated or inadequately treated sewage into or upon the navigable waters of the United States from new vessels and existing vessels, except vessels not equipped with installed toilet facilities. Such standards shall be consistent with maritime safety and the marine and navigation laws and regulations and shall be coordinated with the regulations issued under this subsection by the Secretary of the department in which the Coast Guard is operating. The Secretary of the department in which the Coast Guard is operating shall promulgate regulations, which are consistent with standards promulgated under this subsection and with maritime safety and the marine and navigation laws and regulations, governing the design, construction, installation, and operation of any marine sanitation device on board such vessels.

(2) Any existing vessel equipped with a marine sanitation device on the date of promulgation of initial standards and regulations under this section, which device is in compliance with such initial standards and regulations, shall be deemed in compliance with this section until such time as the device is replaced or is found not to be in compliance with such initial standards and regulations.

(c)(1) Initial standards and regulations under this section shall become effective for new vessels two years after promulgation; and for existing vessels five years after promulgation. Revisions of standards and regulations shall be effective upon promulgation, unless another effective date is specified, except that no revision shall take effect before the effective date of the standard or regulation being revised.

(2) The Secretary of the department in which the Coast Guard is operating with regard to his regulatory authority established by this section, after consultation with the Secretary, may distinguish among classes, types, and sizes of vessels as well as between new and existing vessels, and may waive applicability of standards and regulations as necessary or appropriate for such classes, types, and sizes of vessels (including existing vessels equipped with marine sanitation devices on the date of promulgation of the initial standards required by this section), and, upon application, for individual vessels.

(d) The provisions of this section and the standards and regulations promulgated hereunder apply to vessels owned and operated by the United States unless the Secretary of Defense finds that compliance would not be in the interest of national security. With respect to vessels owned and operated by the Department of Defense, regulations under the last sentence of subsection (b)(1) and certifications under subsection (g)(2) of this section shall be promulgated and issued by the Secretary of Defense.

(e) Before the standards and regulations under this section are promulgated, the Secretary and the Secretary of the department in which the Coast Guard is operating shall consult with the Secretary of State; the Secretary of Health, Education, and Welfare; the Secretary of Defense; the Secretary of the Treasury; the Secretary of Commerce; other interested Federal agencies; and the States and industries interested; and otherwise comply with the requirements of section 553 of title 5 of the United States Code.

(f) After the effective date of the initial standards and regulations promulgated under this section, no State or political subdivision thereof shall adopt or enforce any statute or regulation of such State or political subdivision with respect to the design, manufacture, or installation or use of any marine sanitation device on any vessel subject to the provisions of this section. Upon application by a State, and where the Secretary determines that any applicable water quality standards require such a prohibition, he shall by regulation completely prohibit the discharge from a vessel of any sewage (whether treated or not) into those waters of such State which are the subject of the application and to which such standards apply.

(g)(1) No manufacturer of a marine sanitation device shall sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States for sale or resale any marine sanitation device manufactured after the effective date of the standards and regulations promulgated under this section unless such device is in all material respects substantially the same as a test device certified under this subsection.

(2) Upon application of the manufacturer, the Secretary of the department in which the Coast Guard is operating shall so certify a marine sanitation device if he determines, in accordance with the provisions of this paragraph, that it meets the appropriate standards and regulations promulgated under this section. The Secretary of the department in which the Coast Guard is operating shall test or require such testing of the device in accordance with procedures set forth by the Secretary as to standards of performance and for such other purposes as may be appropriate. If the Secretary of the department in which the Coast Guard is operating determines that the device is satisfactory from the standpoint of safety and any other requirements of maritime law or regulation, and after consideration of the design, installation, operation, material, or other appropriate factors, he shall certify the device. Any device manufactured by such manufacturer which is in all material respects substantially the same as the certified test device shall be deemed to be in conformity with the appropriate standards and regulations established under this section.

(3) Every manufacturer shall establish and maintain such records, make such reports, and provide such information as the Secretary or the Secretary of the department in which the Coast Guard is operating may reasonably require to enable him to determine whether such manufacturer has

acted or is acting in compliance with this section and regulations issued thereunder and shall, upon request of an officer or employee duly designated by the Secretary or the Secretary of the department in which the Coast Guard is operating, permit such officer or employee at reasonable times to have access to and copy such records. All information reported to or otherwise obtained by, the Secretary or the Secretary of the department in which the Coast Guard is operating or their representatives pursuant to this subsection which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this section. This paragraph shall not apply in the case of the construction of a vessel by an individual for his own use.

(h) After the effective date of standards and regulations promulgated under this section, it shall be unlawful—

(1) for the manufacturer of any vessel subject to such standards and regulations to manufacture for sale, to sell or offer for sale, or to distribute for sale or resale any such vessel unless it is equipped with a marine sanitation device which is in all material respects substantially the same as the appropriate test device certified pursuant to this section;

(2) for any person, prior to the sale or delivery of a vessel subject to such standards and regulations to the ultimate purchaser, wrongfully to remove or render inoperative any certified marine sanitation device or element of design of such device installed in such vessel;

(3) for any person to fail or refuse to permit access to or copying of records or to fail to make reports or provide information required under this section; and

(4) for a vessel subject to such standards and regulations to operate on the navigable waters of the United States, if such vessel is not equipped with an operable marine sanitation device certified pursuant to this section.

(i) The district courts of the United States shall have jurisdictions to restrain violations of subsection (g)(1) and subsections (h)(1) through (3) of this section. Actions to restrain such violations shall be brought by, and in, the name of the United States. In case of contumacy or refusal to obey a subpena served upon any person under this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(j) Any person who violates subsection (g)(1) or clause (1) or (2) of subsection (h) of this section shall be liable to a civil penalty of not more than $5,000 for each violation. Any person who violates clause (4) of subsection (h) of this section or any regulation issued pursuant to this section shall be liable to a civil penalty of not more than $2,000 for each violation. Each violation shall be a separate offense. The Secretary of the department in which the Coast Guard is operating may assess and compromise any such penalty. No penalty shall be assessed until the person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount

agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by said Secretary.

(k) The provisions of this section shall be enforced by the Secretary of the department in which the Coast Guard is operating and he may utilize by agreement, with or without reimbursement, law enforcement officers or other personnel and facilities of the Secretary, other Federal agencies, or the States to carry out the provisions of this section.

(l) Anyone authorized by the Secretary of the department in which the Coast Guard is operating to enforce the provisions of this section may, except as to public vessels, (1) board and inspect any vessel upon the navigable waters of the United States and (2) execute any warrant or other process issued by an officer or court of competent jurisdiction.

(m) In the case of Guam, actions arising under this section may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone, such actions may be brought in the District Court for the District of the Canal Zone.

Area Acid and Other Mine Water Pollution Control Demonstrations

Sec. 14. (a) The Secretary in cooperation with other Federal departments, agencies, and instrumentalities is authorized to enter into agreements with any State or interstate agency to carry out one or more projects to demonstrate methods for the elimination or control, within all or part of a watershed, of acid or other mine water pollution resulting from active or abandoned mines. Such projects shall demonstrate the engineering and economic feasibility and practicality of various abatement techniques which will contribute substantially to effective and practical methods of acid or other mine water pollution elimination or control.

(b) The Secretary, in selecting watersheds for the purposes of this section, shall (1) require such feasibility studies as he deems appropriate, (2) give preference to areas which have the greatest present or potential value for public use for recreation, fish and wildlife, water supply, and other public uses, and (3) be satisfied that the project area will not be affected adversely by the influx of acid or other mine water pollution from nearby sources.

(c) Federal participation in such projects shall be subject to the conditions—

(1) that the State or interstate agency shall pay not less than 25 per centum of the actual project costs which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, or personal property or services, the value of which shall be determined by the Secretary; and

(2) that the State or interstate agency shall provide legal and practical protection to the project area to insure against any activities which will cause future acid or other mine water pollution.

(d) There is authorized to be appropriated $15,000,000 to carry out the provisions of this section, which sum shall be available until expended. No more than 25 per centum of the total funds available under this section in any one year shall be granted to any one State.

POLLUTION CONTROL IN GREAT LAKES

SEC. 15. (a) The Secretary, in cooperation with other Federal departments, agencies, and instrumentalities is authorized to enter into agreements with any State, political subdivision, interstate agency, or other public agency, or combination thereof, to carry out one or more projects to demonstrate new methods and techniques and to develop preliminary plans for the elimination or control of pollution, within all or any part of the watersheds of the Great Lakes. Such projects shall demonstrate the engineering and economic feasibility and practicality of removal of pollutants and prevention of any polluting matter from entering into the Great Lakes in the future and other abatement and remedial techniques which will contribute substantially to effective and practical methods of water pollution elimination or control.

(b) Federal participation in such projects shall be subject to the condition that the State, political subdivision, interstate agency, or other public agency, or combination thereof, shall pay not less than 25 per centum of the actual project costs, which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, and personal property or services the value of which shall be determined by the Secretary.

(c) There is authorized to be appropriated $20,000,000 to carry out the provisions of this section, which sum shall be available until expended.

TRAINING GRANTS AND CONTRACTS

SEC. 16. The Secretary is authorized to make grants to or contracts with institutions of higher education, or combinations of such institutions, to assist them in planning, developing, strengthening, improving, or carrying out programs or projects for the preparation of undergraduate students to enter an occupation which involves the design, operation, and maintenance of treatment works, and other facilities whose purpose is water quality control. Such grants or contracts may include payment of all or part of the cost of programs or projects such as—

(A) planning for the development or expansion of programs or projects for training persons in the operation and maintenance of treatment works;

(B) training and retraining of faculty members;

(C) conduct of short-term or regular session institutes for study by persons engaged in, or preparing to engage in, the preparation of students preparing to enter an occupation involving the operation and maintenance of treatment works;

(D) carrying out innovative and experimental programs of cooperative education involving alternate periods of full-time or part-time academic study at the institution and periods of full-time or part-time employment involving the operation and maintenance of treatment works; and

(E) research into, and development of, methods of training students or faculty, including the preparation of teaching materials and the planning of curriculum.

APPLICATION FOR TRAINING GRANT OR CONTRACT; ALLOCATION OF GRANTS OR CONTRACTS

SEC. 17. (1) A grant or contract authorized by section 16 may be made only upon application to the Secretary at such time or times and containing such information as he may prescribe, except that no such application shall be approved unless it—

(A) sets forth programs, activities, research, or development for which a grant is authorized under section 16, and describes the relation to any program set forth by the applicant in an application, if any, submitted pursuant to section 18.

(B) provides such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section; and

(C) provides for making such reports, in such form and containing such information, as the Secretary may require to carry out his functions under this section, and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

(2) The Secretary shall allocate grants or contracts under section 16 in such manner as will most nearly provide an equitable distribution of the grants or contracts throughout the United States among institutions of higher education which show promise of being able to use funds effectively for the purposes of this section.

(3)(A) Payment under this section may be used in accordance with regulations of the Secretary, and subject to the terms and conditions set forth in an application approved under subsection (a), to pay part of the compensation of students employed in connection with the operation and maintenance of treatment works, other than as an employee in connection with the operation and maintenance of treatment works or as an employee in any branch of the Government of the United States, as part of a program for which a grant has been approved pursuant to this section.

(B) Departments and agencies of the United States are encouraged, to the extent consistent with efficient administration, to enter into arrangements with institutions of higher education for the full-time, part-time, or temporary employment, whether in the competitive or excepted service, of students enrolled in programs set forth in applications approved under subsection (a).

AWARD OF SCHOLARSHIPS

SEC. 18. (1) The Secretary is authorized to award scholarships in accordance with the provisions of this section for undergraduate study by persons who plan to enter an occupation involving the operation and maintenance of treatment works. Such scholarships shall be awarded for such periods as the Secretary may determine but not to exceed four academic years.

(2) The Secretary shall allocate scholarships under this section among institutions of higher education with programs approved under the provisions of this section for the use of individuals accepted into such programs, in such manner and according to such plan as will insofar as practicable—

(A) provide an equitable distribution of such scholarships throughout the United States; and

(B) attract recent graduates of secondary schools to enter an occupation involving the operation and maintenance of treatment works.

(3) The Secretary shall approve a program of an institution of higher education for the purposes of this section only upon application by the institution and only upon his finding—

(A) that such program has as a principal objective the education and training of persons in the operation and maintenance of treatment works;

(B) that such program is in effect and of high quality, or can be readily put into effect and may reasonably be expected to be of high quality;

(C) that the application describes the relation of such program to any program, activity, research, or development set forth by the applicant in an application, if any, submitted pursuant to section 16 of this Act; and

(D) that the application contains satisfactory assurances that (i) the institution will recommend to the Secretary for the award of scholarships under this section, for study in such program, only persons who have demonstrated to the satisfaction of the institution a serious intent, upon completing the program, to enter an occupation involving the operation and maintenance of treatment works, and (ii) the institution will make reasonable continuing efforts to encourage recipients of scholarships under this section, enrolled in such program, to enter occupations involving the operation and maintenance of treatment works upon completing the program.

(4)(A) The Secretary shall pay to persons awarded scholarships under this section such stipends (including such allowances for subsistence and other expenses for such persons and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

(B) The Secretary shall (in addition to the stipends paid to persons under subsection (a)) pay to the institution of higher education at which such person is pursuing his course of study such amount as he may determine to be consistent with prevailing practices under comparable federally supported programs.

(5) A person awarded a scholarship under the provisions of this section shall continue to receive the payments provided in this section only during such periods as the Secretary finds that he is maintaining satisfactory proficiency and devoting full time to study or research in the field in which such scholarship was awarded in an institution of higher education, and is not engaging in gainful employment other than employment approved by the Secretary by or pursuant to regulation.

(6) The Secretary shall by regulation provide that any person awarded a scholarship under this section shall agree in writing to enter and remain in an occupation involving the design, operation, or maintenance of treatment works for such period after completion of his course of studies as the Secretary determines appropriate.

DEFINITIONS AND AUTHORIZATIONS

SEC. 19. (1) As used in sections 16 through 19 of this Act—

(A) The term "State" includes the District of Columbia, Puerto Rico, the Canal Zone, Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

(B) The term "institution of higher education" means an educational institution described in the first sentence of section 1201 of the Higher Education Act of 1965 (other than an institution of any agency of the United States) which is accredited by a nationally recognized accrediting agency or association approved by the Secretary for this purpose. For purposes of this subsection, the Secretary shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

(C) The term "academic year" means an academic year or its equivalent, as determined by the Secretary.

(2) The Secretary shall annually report his activities under sections 16 through 19 of this Act, including recommendations for needed revisions in the provisions thereof.

(3) There are authorized to be appropriated $12,000,000 for the fiscal year ending June 30, 1970, $25,000,000 for the fiscal year ending June 30, 1971, and $25,000,000 for the fiscal year ending June 30, 1972, to carry out sections 16 through 19 of this Act (and planning and related activities in the initial fiscal year for such purpose). Funds appropriated for the fiscal year ending June 30, 1970, under authority of this subsection shall be available for obligation pursuant to the provisions of sections 16 through 19 of this Act during that year and the succeeding fiscal year.

ALASKA VILLAGE DEMONSTRATION PROJECTS

SEC. 20. (a) The Secretary is authorized to enter into agreements with the State of Alaska to carry out one or more projects to demonstrate methods to provide for central community facilities for safe water and the elimination or control of water pollution in those native villages of Alaska without such facilities. Such project shall include provisions for community safe water supply systems, toilets, bathing and laundry facilities, sewage disposal facilities, and other similar facilities, and educational and informational facilities and programs relating to health and hygiene. Such demonstration projects shall be for the further purpose of developing preliminary plans for providing such safe water and such elimination or control of water pollution for all native villages in such State.

(b) In carrying out this section the Secretary shall cooperate with the Secretary of Health, Education, and Welfare for the purpose of utilizing such of the personnel and facilities of that Department as may be appropriate.

(c) The Secretary shall report to Congress not later than January 31, 1973, the results of the demonstration projects authorized by this section together with his recommendations, including any necessary legislation, relating to the establishment of a statewide program.

(d) There is authorized to be appropriated not to exceed $1,000,000 to carry out this section.

[COOPERATION TO CONTROL POLLUTION FROM FEDERAL INSTALLATIONS

[SEC. 11. It is hereby declared to be the intent of the Congress that any Federal department or agency having jurisdiction over any building, installation, or other property shall, insofar as practicable and consistent with the interests of the United States and within any available appropriations, cooperate with the Department of Health, Education, and Welfare, and with any State or interstate agency or municipality having jurisdiction over waters into which any matter is discharged from such property, in preventing or controlling the pollution of such waters. In his summary of any conference pursuant to section 10(d)(3) of this Act, the Secretary shall include references to any discharges allegedly contributing to pollution from any Federal property. Notice of any hearing pursuant to section 10(f) involving any pollution alleged to be effected by any such discharges shall also be given to the Federal agency having jurisdiction over the property involved and the findings and recommendations of the

Hearing Board conducting such hearing shall also include references to any such discharges which are contributing to the pollution found by such Hearing Board.]

COOPERATION BY ALL FEDERAL AGENCIES IN THE CONTROL OF POLLUTION

SEC. 21. (a) Each Federal agency (which term is used in this section includes Federal departments, agencies, and instrumentalities) having jurisdiction over any real property or facility, or engaged in any Federal public works activity of any kind, shall, consistent with the paramount interest of the United States as determined by the President, insure compliance with applicable water quality standards and the purposes of this Act in the administration of such property, facility, or activity. In his summary of any conference pursuant to section 10(d)(4) of this Act, the Secretary shall include references to any discharges allegedly contributing to pollution from any such Federal property, facility, or activity, and shall transmit a copy of such summary to the head of the Federal agency having jurisdiction of such property, facility, or activity. Notice of any hearing pursuant to section 10(f) of this Act involving any pollution alleged to be effected by any such discharges shall also be given to the Federal agency having jurisdiction over the property, facility, or activity involved, and the findings and recommendations of the hearing board conducting such hearing shall include references to any such discharges which are contributing to the pollution found by such board.

(b)(1) Any applicant for a Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters of the United States, shall provide the licensing or permitting agency a certification from the State in which the discharge originates or will originate, or, if appropriate, from the interstate water pollution control agency having jurisdiction over the navigable waters at the point where the discharge originates or will originate, that there is reasonable assurance, as determined by the State or interstate agency that such activity will be conducted in a manner which will not violate applicable water quality standards. Such State or interstate agency shall establish procedures for public notice in the case of all applications for certification by it, and to the extent it deems appropriate, procedures for public hearings in connection with specific applications. In any case where such standards have been promulgated by the Secretary pursuant to section 10(c) of this Act, or where a State or interstate agency has no authority to give such a certification, such certification shall be from the Secretary. If the State, interstate agency, or Secretary, as the case may be, fails or refuses to act on a request for certification, within a reasonable period of time (which shall not exceed one year) after receipt of such request, the certification requirements of this subsection shall be waived with respect to such Federal application. No license or permit shall be granted until the certification required by this section has been obtained or has been waived as provided in the preceding sentence. No license or permit shall be granted if certification has been denied by the State, interstate agency, or the Secretary, as the case may be.

(2) Upon receipt of such application and certification the licensing or permitting agency shall immediately notify the Secretary of such application and certification. Whenever such a discharge may affect, as determined by the Secretary, the quality of the waters of any other State, the Secretary within thirty days of the date of notice of application for such

Federal license or permit shall so notify such other State, the licensing or permitting agency, and the applicant. If, within sixty days after receipt of such notification, such other State determines that such discharge will affect the quality of its waters so as to violate its water quality standards, and within such sixty-day period notifies the Secretary and the licensing or permitting agency in writing of its objection to the issuance of such license or permit and requests a public hearing on such objection, the licensing or permitting agency shall hold such a hearing. The Secretary shall at such hearing submit his evaluation and recommendations with respect to any such objection to the licensing or permitting agency. Such agency, based upon the recommendations of such State, the Secretary, and upon any additional evidence, if any, presented to the agency at the hearing, shall condition such license or permit in such manner as may be necessary to insure compliance with applicable water quality standards. If the imposition of conditions cannot insure such compliance such agency shall not issue such license or permit.

(3) The certification obtained pursuant to paragraph (1) of this subsection with respect to the construction of any facility shall fulfill the requirements of this subsection with respect to certification in connection with any other Federal license or permit required for the operation of such facility unless, after notice to the certifying State, agency, or Secretary, as the case may be, which shall be given by the Federal agency to whom application is made for such operating license or permit, the State, or if appropriate, the interstate agency or the Secretary, notifies such agency within sixty days after receipt of such notice that there is no longer reasonable assurance that there will be compliance with applicable water quality standards because of changes since the construction license or permit certification was issued in (A) the construction or operation of the facility, (B) the characteristics of the waters into which such discharge is made, or (C) the water quality standards applicable to such waters. This paragraph shall be inapplicable in any case where the applicant for such operating license or permit has failed to provide the certifying State, or if appropriate, the interstate agency or the Secretary, with notice of any proposed changes in the construction or operation of the facility with respect to which a construction license or permit has been granted which changes may result in violation of applicable water quality standards.

(4) Prior to the initial operation of any federally licensed or permitted facility or activity which may result in any discharge into the navigable waters of the United States and with respect to which a certification has been obtained pursuant to paragraph (1) of this subsection, which facility or activity is not subject to a Federal operating license or permit, the licensee or permittee shall provide an opportunity for such certifying State, or if appropriate, the interstate agency or the Secretary to review the manner in which the facility or activity shall be operated or conducted for the purposes of assuring that applicable water quality standards will not be violated. Upon notification by the certifying State, or if appropriate, the interstate agency or the Secretary that the operation of any such federally licensed or permitted facility or activity will violate applicable water quality standards, such Federal agency may, after public hearing, suspend such license or permit. If such license or permit is suspended, it shall remain suspended until notification is received from the certifying State, agency, or Secretary, as the case may be, that there is reasonable assurance that such facility or activity will not violate applicable water quality standards.

(5) Any Federal license or permit with respect to which a certification has been obtained under paragraph (1) of this subsection may be suspended or revoked by the Federal agency issuing such license or permit upon the entering of a judgment under section 10(h) of this Act that such facility or activity has been operated in violation of applicable water quality standards.

(6) No Federal agency shall be deemed to be an applicant for the purposes of this subsection.

(7) In any case where actual construction of a facility has been lawfully commenced prior to the date of enactment of the Water Quality Improvement Act of 1970, no certification shall be required under this subsection for a license or permit issued after the date of enactment of such Act of 1970 to operate such facility, except that any such license or permit issued without certification shall terminate at the end of the three-year period beginning on the date of enactment of such Act of 1970 unless prior to such termination date the person having such license or permit submits to the Federal agency which issued such license or permit a certification and otherwise meets the requirements of this subsection.

(8) Except as provided in paragraph (7), any application for a license or permit (A) that is pending on the date of enactment of the Water Quality Improvement Act of 1970 and (B) that is issued within one year following such date of enactment shall not require certification pursuant to this subsection for one year following the issuance of such license or permit, except that any such license or permit issued shall terminate at the end of one year unless prior to that time the licensee or permittee submits to the Federal agency that issued such license or permit a certification and otherwise meets the requirements of this subsection.

(9)(A) In the case of any activity which will affect water quality but for which there are no applicable water quality standards, no certification shall be required under this subsection, except that the licensing or permitting agency shall impose, as a condition of any license or permit, a requirement that the licensee or permittee shall comply with the purposes of this Act.

(B) Upon notice from the State in which the discharge originates or, as appropriate, the interstate agency or the Secretary, that such licensee or permittee has been notified of the adoption of water quality standards applicable to such activity and has failed, after reasonable notice, of not less than six months, to comply with such standards, the license or permit shall be suspended until notification is received from such State or interstate agency or the Secretary that there is reasonable assurance that such activity will comply with applicable water quality standards.

(c) Nothing in this section shall be construed to limit the authority of any department or agency pursuant to any other provision of law to require compliance with applicable water quality standards. The Secretary shall, upon the request of any Federal department or agency, or State or interstate agency, or applicant, provide, for the purpose of this section, any relevant information on applicable water quality standards, and shall, when requested by any such department or agency or State or interstate agency, or applicant, comment on any methods to comply with such standards.

(d) In order to implement the provisions of this section, the Secretary of the Army, acting through the Chief of Engineers, is authorized, if he deems it to be in the public interest, to permit the use of spoil disposal

areas under his jurisdiction by Federal licensees or permittees, and to make an appropriate charge for such use. Moneys received from such licensees or permittees shall be deposited in the Treasury as miscellaneous receipts.

ADMINISTRATION

SEC. [12] *22.* (a) The Secretary is authorized to prescribe such regulations as are necessary to carry out his functions under this Act.

(b) The Secretary, with the consent of the head of any other agency of the United States, may utilize such officers and employees of such agency as may be found necessary to assist in carrying out the purposes of this Act.

(c) There are hereby authorized to be appropriated to the Department of Health, Education, and Welfare such sums as may be necessary to enable it to carry out its functions under this Act.

(d) Each recipient of assistance under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(e) The Secretary of Health, Education, and Welfare and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this Act.

(f)(1) It is the purpose of this subsection to authorize a program which will provide official recognition by the United States Government to those industrial organizations and political subdivisions of States which during the preceding year demonstrated an outstanding technological achievement or an innovative process, method or device in their waste treatment and pollution abatement programs. The Secretary shall, in consultation with the appropriate State water pollution control agency, establish regulations under which such recognition may be applied for and granted, except that no applicant shall be eligible for an award under this subsection if such applicant is not in total compliance with all applicable water quality standards under this Act, and otherwise does not have a satisfactory record with respect to environmental quality.

(2) The Secretary shall award a certificate or plaque of suitable design to each industrial organization or political subdivision which qualifies for such recognition under regulations established by this subsection.

(3) The President of the United States, the Governor of the appropriate State, the Speaker of the House of Representatives, and the President pro tempore of the Senate shall be notified of the award by the Secretary, and the awarding of such recognition shall be published in the Federal Register.

DEFINITIONS

SEC. [13] *23.* When used in this Act:

(a) The term "State water pollution control agency" means the State health authority, except that, in the case of any State in which there is a single State agency, other than the State health authority, charged with responsibility for enforcing State laws relating to the abatement of water pollution, it means such other State agency.

(b) The term "interstate agency" means an agency of two or more States established by or pursuant to an agreement or compact approved by the Congress, or any other agency of two or more States, having substantial powers or duties pertaining to the control of pollution of waters.

(c) The term "treatment works" means the various devices used in the treatment of sewage or industrial wastes of a liquid nature, including the necessary intercepting sewers, outfall sewers, pumping, power, and other equipment, and their appurtenances, and includes any extensions, improvements, remodeling, additions, and alterations thereof.

(d) The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

(e) The term "interstate waters" means all rivers, lakes, and other waters that flow across or form a part of State boundaries, including coastal waters.

(f) The term "municipality" means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, and an Indian tribe or an authorized Indian tribal organization.

OTHER AUTHORITY NOT AFFECTED

SEC. [14] *24.* This Act shall not be construed as (1) superseding or limiting the functions, under any other law, of the Surgeon General or of the Public Health Service, or of any other officer or agency of the United States, relating to water pollution, or (2) affecting or impairing the provisions of [the Oil Pollution Act, 1924, or] sections 13 through 17 of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors and for other purposes", approved March 3, 1899, as amended, or (3) affecting or impairing the provisions of any treaty of the United States.

SEPARABILITY

SEC. [15] *25.* If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

SEC. [16] *26.* (a) In order to provide the basis for evaluating programs authorized by this Act, the development of new programs, and to furnish the Congress with the information necessary for authorization of appropriations for fiscal years beginning after June 30, 1968, the Secretary, in cooperation with State water pollution control agencies and other water pollution control planning agencies, shall make a detailed estimate of the cost of carrying out the provisions of this Act; a comprehensive study of the economic impact on affected units of government of the cost of installation of treatment facilities; and a comprehensive analysis of the national requirements for and the cost of treating municipal, industrial, and other effluent to attain such water quality standards as established pursuant to this Act or applicable State law. The Secretary shall submit such detailed estimate and such comprehensive study of such cost for the five-year period beginning July 1, 1968, to the Congress no later than January 10, 1968, such study to be updated each year thereafter.

(b) The Secretary shall also make a complete investigation and study to determine (1) the need for additional trained State and local personnel to carry out programs assisted pursuant to this Act and other programs for the same purpose as this Act, and (2) means of using existing Federal training programs to train such personnel. He shall report the results of such investigation and study to the President and the Congress not later than July 1, 1967.

[SEC. 17. The Secretary of the Interior shall, in consultation with the Secretary of the Army, the Secretary of the department in which the Coast Guard is operating, the Secretary of Health, Education, and Welfare, and the Secretary of Commerce, conduct a full and complete investigation and study of the extent of the pollution of all navigable waters of the United States from litter and sewage discharged, dumped, or otherwise deposited into such waters from watercraft using such waters, and methods of abating either in whole or in part such pollution. The Secretary shall submit a report of such investigation to Congress, together with his recommendations for any necessary legislation, not later than July 1, 1967.

[SEC. 18. The Secretary of the Interior shall conduct a full and complete investigation and study of methods for providing incentives designed to assist in the construction of facilities and works by industry designed to reduce or abate water pollution. Such study shall include, but not be limited to, the possible use of tax incentives as well as other methods of financial assistance. In carrying out this study the Secretary shall consult with the Secretary of the Treasury as well as the head of any other appropriate department or agency of the Federal Government. The Secretary shall report the results of such investigation and study, together with his recommendations, to the Congress not later than January 30, 1968.]

SHORT TITLE

SEC. [19] *27*. This Act may be cited as the "Federal Water Pollution Control Act".

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Part E of title VI of the Senate amendment provides for programs dealing with research in the education of the handicapped. It authorizes the appropriation of $27,000,000 for fiscal year 1971, $35,500,000 for fiscal year 1972, $45,000,000 for fiscal year 1973, and $53,500,000 for the fiscal year 1974.

The new part F of title VI of the Senate amendment provides for programs dealing with films and other educational media for the handicapped. It also contains the provisions relating to the National Center on Educational Media and Materials for the Handicapped. The amount authorized to be appropriated for carrying out the part during the fiscal year 1971 is $12,500,000; during the fiscal year 1972, $15,000,000, during the fiscal year 1973, $20,000,000, and during the fiscal year 1974 and each succeeding fiscal year the sum of $30,000,000.

Part G of title VI of the Senate amendment provides a new program for children with specific learning disabilities. The House bill has no comparable provision, but since its enactment the House has passed another bill, H.R. 13310, providing for this program. The amount authorized to be appropriated by the Senate amendment for this program is $12,000,000 for the fiscal year 1970, $20,000,000 for the fiscal year 1971, and $31,000,000 for each of the fiscal years 1972, 1973, and 1974.

The Senate amendment also repeals, effective July 1, 1971, certain provisions of law which are to be replaced by the new title.

The conference report adopts the provisions of the Senate bill as they relate to the education of the handicapped, except that in each case (other than the new part F which is given a permanent authorization at the 1963 level) provisions for carrying out programs during fiscal year 1974 are deleted.

VOCATIONAL EDUCATION

The Senate amendment, but not the House bill, extended the authorization contained in section 102(b) of the Vocational Education Act of 1963 through June 30, 1972, with authorizations of $50,000,000 for the fiscal year 1971, and $60,000,000 for the fiscal year 1972. Since the enactment of the House bill, the House has passed a bill, H.R. 13630, extending the authorizations for fiscal years 1971 and 1972 at the present rate of $40,000,000 a year.

The Senate amendment, but not the House bill, amended the allotment formula section 103(a)(2)(D) of the Vocational Education Act of 1963 by raising the factor in that clause from five percent to fifteen percent, so that this provision of the Act will conform with the actual practice thereunder.

The Senate amendment, but not the House bill, amended the Vocational Education Act of 1963 to authorize the appointment by the State board members of the State advisory council when the State board members are themselves elected by the State legislature.

The Senate amendment, but not the House bill, extended the authorization for State programs of residential vocational education facilities until June 30, 1972, with authorizations for each of the fiscal years 1971 and 1972 being set at $15,000,000. In this respect the Senate amendment is the same as H.R. 13630 which passed the House.

The Senate amendment, but not the House bill, amended the Vocational Education Act of 1963 to add to the concept of home economics and consumer education programs the following specific: "including promotion of nutritional knowledge and food use and the understanding of the economic aspects of food use and purchase."

The Senate amendment, not the House bill, extended the authorization for vocational education work study programs at the level of $45 million for the fiscal year 1971 and $55 million for the fiscal year 1972. H.R. 13630, as it passed the House, extended this program for the fiscal years 1971 and 1972 at the rate of $35 million per year.

The Senate amendment, but not the House bill, extended the authorization for curriculum development programs for vocational education until July 1, 1972. The amounts authorized to be appropriated are $10 million each for the fiscal year 1971 and the fiscal year 1972. The bill, H.R. 13630, as it passed the House, extended this program for the same period and authorizes $7 million for each year.

The Senate amendment, but not the House bill, extended the authorization for Higher Education Act of 1965, as it relates to the training of vocational education personnel, until June 30, 1972. The amount authorized to be appropriated for this purpose is $40 million for the fiscal year 1971 and $45 million for the fiscal year 1972. H.R. 13630, as it passed the House, extended these provisions for the same period, and authorizes the appropriation of $35 million per year.

The Senate amendment made a technical amendment to the Vocational Education Amendments of 1968.

The conference report embodies all of the provisions of the Senate amendment relating to vocational education.

MISCELLANEOUS

Joint funding.—The House bill, but not the Senate amendment, contained a provision authorizing, pursuant to regulations prescribed by the President, the joint funding of projects in which the Office of Education is participating with other Federal agencies and where one of the Federal agencies may be designated to act for all in administering the funds so advanced. The provision established procedures for the computation of any non-Federal share requirements and the waiver of such where inconsistent with similar requirements of one of the programs conducted by one of the sponsoring agencies. This provision does not appear in the conference substitute.

Waiver of matching requirement in the Upward Bound program.—The Senate amendment, but not the House bill, contained a provision authorizing the Commissioner under certain conditions to increase the Federal contribution percentage for Upward Bound programs carried on under the Higher Education Act of 1965 and to provide that non-Federal contributions may be in cash or in kind. This provision is retained in the conference substitute.

Extension of authorization for Advisory Council.—The Senate amendment, but not the House bill, contained a provision extending the authorization for the Advisory Council under the Education Professions Development Act for an additional year with a continuation for that year of its $200,000 authorization. This provision is retained in the conference substitute.

Teacher Corps assistance for Indian children.—The Senate amendment, but not the House bill, amended the Higher Education Act of 1965 to provide for the allocation of up to 3 percent of the number of members of the Teacher Corps for Puerto Rico and the Virgin Islands and not to exceed 5 percent to elementary and secondary schools operated for Indian children by the Department of the Interior. Present law provides for up to 3 percent for all three of these purposes. This provision is retained in the conference substitute.

Student Teacher Corps.—The Senate amendment, but not the House bill, created an authorization for a "Student Teacher Corps" under the Higher Education Act of 1965 by adding the following purpose in the teacher corps authorization: "attracting volunteers to serve as part-time tutors or full-time instructional assistants in programs carried out by local educational agencies and institutions of higher education serving such areas". The Senate amendment includes provision for arrangements with local educational agencies or institutions of higher education to put into effect the new student teacher corps provision.

The Senate amendment further amended title V of the Higher Education Act of 1965 to increase the alternate compensation factor of $75 per week to $90 per week. Furthermore, the Senate amendment revises this section to provide that tutors and instructional assistants be compensated at such rates as the Commission may determine to be consistent with prevailing practices under comparable federally supported work-study programs.

The Senate amendment increased the authorization for the Teacher Corps from $65 million for fiscal year 1970 to $80 million for that year, and from $56 million for fiscal year 1971 to $100 million for that year.

The conference report includes these provisions.

Provisions related to gifted and talented children.—The Senate amendment, but not the House bill, amends section 521 of the Higher Education Act of 1965 (relating to fellowships for teachers) to include instruction in the education of gifted and talented children. It also makes other changes to effectuate this additional authorization. The Senate provision also authorizes the Commissioner to make a study and investigation of how Federal education assistance programs can be utilized to meet the needs of gifted and talented children, and to what extent new programs are required.

While the House bill did not contain any provision comparable to that in the Senate amendment, since the enactment of the House bill the House has passed H.R. 13304 which contains comparable provisions.

The conference report adopts the provisions derived from H.R. 13304 which differ from those in the Senate amendment in that—

(1) the definition of "gifted and talented children" does not include the requirement that such children must require special activities or services not ordinarily provided by local educational agencies, and

(2) the Commissioner of Education is required to make a determination of the extent to which special educational assistance programs are necessary or useful to meet the needs of gifted and talented children, to show which existing Federal programs are being used to meet their needs, to evaluate how existing Federal programs can be more effectively used to meet the needs and recommend new programs.

Consolidation of title III of NDEA and section 12 of the National Foundation on the Arts and Humanities Act of 1965.—The Senate amendment, but not the House bill, contained a provision consolidating part A of title III of the National Defense Education Act of 1958 and section 12 of the National Foundation on the Arts and Humanities Act of 1965.

Authorizations for title III of the NDEA are increased from $120,000,000 to $120,500,000 for fiscal year 1970 and from $130,000,000 to $130,500,000 for fiscal year 1971.

The conference substitute adopts this provision.

Advisory Council on Research and Development.—The Senate amendment, but not the House bill, amended the Cooperative Research Act of 1954 to provide legislative authority for the Advisory Council on Research and Development. The conference substitute contains this provision.

Research on problems of financing elementary and secondary education.—The Senate amendment, but not the House bill, contained a provision relating to research on problems of financing elementary and secondary education. It contains a statement of Congressional findings, provides for a Na-

tional Commission on School Finances to report to the Commissioner and to the Congress in two years, and inserts new language in the Cooperative Research Act requiring the Commission to provide for research regarding the problems of financing elementary and secondary education setting forth in detail the scope of the study. The conference substitute retains this provision.

Commission on Advance Funding.—The Senate amendment, but not the House bill, contained a provision establishing a Commission on Advance Funding for the purpose of studying the means of implementing the advanced funding procedures set forth in the Elementary and Secondary Education Amendments of 1967. The Commission is to be composed of six members of the Senate and six members of the House and six other members appointed by the President. The Senate recedes.

Teacher Corps corrections education projects.—The Senate amendment, but not the House bill, amended the Teacher Corps provisions of the Higher Education Act of 1965 to add as a new objective of that program that of attracting and training educational personnel to provide educational services for juvenile delinquents, youth offenders, and adult criminal offenders. Other appropriate changes are made in the Teacher Corps provisions consistent with this purpose. This provision is retained in the conference report.

Research and demonstration projects in corrections education services.—The Senate amendment, but not the House bill, added a new section to title VIII of ESEA authorizing the Commissioner to make grants for research and demonstration projects relating to the academic and vocational education of anti-social, aggressive, youth offenders, and adult criminal offenders, including the development of criteria for the identification of specialized educational instruction for such persons. The conference agreement retains this provision.

Relief of St. John's College.—The Senate amendment, but not the House bill, contains a provision for the relief of St. John's College permitting it to receive or retain a grant it received under title II of the Higher Education Act of 1965. The Senate recedes.

Construction of educational research facilities.—The Senate amendment, but not the House bill, contained a provision extending the authorization for construction of regional facilities for research and related purposes under section 4 of the Cooperative Research Act of 1954 until July 1, 1975. The House recedes.

America Printing House for the Blind.—The Senate amendment, but not the House bill, contained a provision amending sections 3 and 4 of the Act of March 3, 1879 (20 U.S.C. 102), relating to the American Printing House for the Blind to include private nonprofit institutions. The House recedes.

CARL D. PERKINS,
FRANK THOMPSON, JR.,
JOHN H. DENT,
ROMAN L. PUCINSKI,
DOMINICK V. DANIELS,
JOHN BRADEMAS,
JAMES G. O'HARA,
HUGH L. CAREY,
AUGUSTUS F. HAWKINS,
WILLIAM D. FORD,
WILLIAM D. HATHAWAY,
PATSY T. MINK,
LLOYD MEEDS,
W. A. AYRES,
ALBERT H. QUIE,
WILLIAM A. STEIGER,
EARL B. RUTH,
Managers on the Part of the House.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 4148 UNTIL MIDNIGHT WEDNESDAY

Mr. FALLON. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tomorrow night to file a conference report on H.R. 4148, amendment of the Water Pollution Control Act.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

CONFERENCE REPORT (H. REPT. 91-940)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4148) to amend the Federal Water Pollution Control Act, as amended, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

TITLE I—WATER QUALITY IMPROVEMENT

SEC. 101. This title may be cited as the "Water Quality Improvement Act of 1970".

SEC. 102. Existing sections 17 and 18 of the Federal Water Pollution Control Act, as amended, are hereby repealed. Section 19 of such Act is redesignated as section 27. Sections 11 through 16 of such Act are redesignated as sections 21 through 26, respectively. Such Act is further amended by inserting after section 10 the following new sections:

"CONTROL OF POLLUTION BY OIL

"SEC. 11. (a) For the purpose of this section, the term—

"(1) 'oil' means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil;

"(2) 'discharge' includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying or dumping;

"(3) 'vessel' means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water other than a public vessel;

"(4) 'public vessel' means a vessel owned or bare-boat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce;

"(5) 'United States' means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

"(6) 'owner or operator' means (A) in the case of a vessel, any person owning, operating, or chartering by demise, such vessel, and (B) in the case of an onshore facility, and an offshore facility, any person owning or operating such onshore facility or offshore facility, and (C) in the case of any abandoned offshore facility, the person who owned or operated such facility immediately prior to such abandonment;

"(7) 'person' includes an individual, firm, corporation, association, and a partnership;

"(8) 'remove' or 'removal' refers to removal of the oil from the water and shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches;

"(9) 'contiguous zone' means the entire zone established or to be established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone;

"(10) 'onshore facility' means any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under, any land within the United States other than submerged land;

"(11) 'offshore facility' means any facility of any kind located in, on, or under, any of the navigable waters of the United States other than a vessel or a public vessel;

"(12) 'act of God' means an act occasioned by an unanticipated grave natural disaster,

"(13) 'barrel' means 42 United States gallons at 60 degrees Fahrenheit.

"(b) (1) The Congress hereby declares that it is the policy of the United States that there should be no discharges of oil into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone.

"(2) The discharge of oil into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone in harmful quantities as determined by the President under paragraph (3) of this subsection, is prohibited, except (A) in the case of such discharges into the waters of the contiguous zone, where permitted under article IV of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended, and (B) where permitted in quantities and at times and locations or under such circumstances or conditions as the President may, by regulation, determine not to be harmful. Any regulations issued under this subsection shall be consistent with maritime safety and with marine and navigation laws and regulations and applicable water quality standards.

"(3) The President shall, by regulation, to be issued as soon as possible after the date of enactment of this paragraph, determine for the purposes of this section, those quantities of oil the discharge of which, at such times, locations, circumstances, and conditions, will be harmful to the public health or welfare of the United States, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches, except that in the case of the discharge of oil into or upon the waters of the contiguous zone, only those discharges which threaten the fishery resources of the contiguous zone or threaten to pollute or contribute to the pollution of the territory or the territorial sea of the United States may be determined to be harmful.

"(4) Any person in charge of a vessel or of an onshore facility or an offshore facility shall, as soon as he has knowledge of any discharge of oil from such vessel or facility in violation of paragraph (2) of this subsection, immediately notify the appropriate agency of the United States Government of such discharge. Any such person who fails to notify immediately such agency of such discharge shall, upon conviction, be fined not more than $10,000, or imprisoned for not more than one year, or both. Notification received pursuant to this paragraph or information obtained by the exploitation of such notification shall not be used against any such person in any criminal case, except a prosecution for perjury or for giving a false statement.

"(5) Any owner or operator of any vessel, onshore facility, or offshore facility from

which oil is knowingly discharged in violation of paragraph (2) of this subsection shall be assessed a civil penalty by the Secretary of the department in which the Coast Guard is operating of not more than $10,000 for each offense. No penalty shall be assessed unless the owner or operator charged shall have been given notice and opportunity for a hearing on such charge. Each violation is a separate offense. Any such civil penalty may be compromised by such Secretary. In determining the amount of the penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the owner or operator charged, the effect on the owner or operator's ability to continue in business, and the gravity of the violation, shall be considered by such Secretary. The Secretary of the Treasury shall withhold at the request of such Secretary the clearance required by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C. 91), of any vessel the owner or operator of which is subject to the foregoing penalty. Clearance may be granted in such cases upon the filing of a bond or other surety satisfactory to such Secretary.

"(c)(1) Whenever any oil is discharged, into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone, the President is authorized to act to remove or arrange for the removal of such oil at any time, unless he determines such removal will be done properly by the owner or operator of the vessel, onshore facility, or offshore facility from which the discharge occurs.

"(2) Within sixty days after the effective date of this section, the President shall prepare and publish a National Contingency Plan for removal of oil pursuant to this subsection. Such National Contingency Plan shall provide for efficient, coordinated, and effective action to minimize damage from oil discharges, including containment, dispersal, and removal of oil, and shall include, but not be limited to—

"(A) assignment of duties and responsibilities among Federal departments and agencies in coordination with State and local agencies, including, but not limited to, water pollution control, conservation, and port authorities;

"(B) identification, procurement, maintenance, and storage of equipment and supplies;

"(C) establishment or designation of a strike force consisting of personnel who shall be trained, prepared, and available to provide necessary services to carry out the Plan, including the establishment at major ports, to be determined by the President, of emergency task forces of trained personnel, adequate oil pollution control equipment and material, and a detailed oil pollution prevention and removal plan;

"(D) a system of surveillance and notice designed to insure earliest possible notice of discharges of oil to the appropriate Federal agency;

"(E) establishment of a national center to provide coordination and direction for operations in carrying out the Plan;

"(F) procedures and techniques to be employed in identifying, containing, dispersing, and removing oil; and

"(G) a schedule, prepared in cooperation with the States, identifying (i) dispersants and other chemicals, if any, that may be used in carrying out the Plan, (ii) the waters in which such dispersants and chemicals may be used, and (iii) the quantities of such dispersant or chemical which can be used safely in such waters, which schedule shall provide in the case of any dispersant, chemical, or waters not specifically identified in such schedule that the President, or his delegate, may, on a case-by-case, identify the dispersants and other chemicals which may be used, the waters in which they may be used, and the quantities which can be used safely in such waters.

The President may, from time to time, as he deems advisable, revise or otherwise amend the National Contingency Plan. After publication of the National Contingency Plan, the removal of oil and actions to minimize damage from oil discharges shall, to the greatest extent possible, be in accordance with the National Contingency Plan.

"(d) Whenever a marine disaster in or upon the navigable waters of the United States has created a substantial threat of a pollution hazard to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife and the public and private shorelines and beaches of the United States, because of a discharge, or an imminent discharge, of large quantities of oil from a vessel the United States may (A) coordinate and direct all public and private efforts directed at the removal or elimination of such threat; and (B) summarily remove, and, if necessary, destroy such vessel by whatever means are available without regard to any provision of law governing the employment of personnel or the expenditure of appropriated funds. Any expense incurred under this subsection shall be a cost incurred by the United States Government for the purposes of subsection (f) in the removal of oil.

"(e) In addition to any other action taken by a State or local government, when the President determines there is an imminent and substantial threat to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife and public and private property, shorelines, and beaches within the United States, because of an actual or threatened discharge of oil into or upon the navigable waters of the United States from an onshore or offshore facility, the President may require the United States attorney of the district in which the threat occurs to secure such relief as may be necessary to abate such threat, and the district courts of the United States shall have jurisdiction to grant such relief as the public interest and the equities of the case may require.

"(f)(1) Except where an owner or operator can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any vessel from which oil is discharged in violation of subsection (b)(2) of this section shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil by the United States Government in an amount not to exceed $100 per gross ton of such vessel or $14,000,000, whichever is lesser, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. Such costs shall constitute a maritime lien on such vessel which may be recovered in an action in rem in the district court of the United States for any district within which any vessel may be found. The United States may also bring an action against the owner or operator of such vessel in any court of competent jurisdiction to recover such costs.

"(2) Except where an owner or operator of an onshore facility can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any such facility from which oil is discharged in violation of subsection (b)(2) of this section shall be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil by the United States Government in an amount not to exceed $8,000,000, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. The United States may bring an action against the owner or operator of such facility in any court of competent jurisdiction to recover such costs. The Secretary is authorized, by regulation, after consultation with the Secretary of Commerce and the Small Business Administration, to establish reasonable and equitable classifications of those onshore facilities having a total fixed storage capacity of 1,000 barrels or less which he determines because of size, type, and location do not present a substantial risk of the discharge of oil in violation of subsection (b)(2) of this section, and apply with respect to such classifications differing limits of liability which may be less than the amount contained in this paragraph.

"(3) Except where an owner or operator of an offshore facility can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any such facility from which oil is discharged in violation of subsection (b)(2) of this section shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil by the United States Government in an amount not to exceed $8,000,000, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. The United States may bring an action against the owner or operator of such a facility in any court of competent jurisdiction to recover such costs.

"(g) In any case where an owner or operator of a vessel, of an onshore facility, or of an offshore facility, from which oil is discharged in violation of subsection (b)(2) of this section proves that such discharge of oil was caused solely by an act or omission of a third party, or was caused solely by such an act or omission in combination with an act of God, an act of war, or negligence on the part of the United States Government, such third party shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for removal of such oil by the United States Government, except where such third party can prove that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of another party without regard to whether such act or omission was or was not negligent, or any combination of the foregoing clauses. If such third party was the owner or operator of a vessel which caused the discharge of oil in violation of subsection (b)(2) of this section, the liability of such third party under this subsection shall not exceed $100 per gross ton of such vessel or $14,000,000, whichever is the lesser. In any other case the lia-

bility of such third party shall not exceed the limitation which would have been applicable to the owner or operator of the vessel or the onshore or offshore facility from which the discharge actually occurred, if such owner or operator were liable. If the United States can show that the discharge of oil in violation of subsection (b)(2) of this section was the result of willful negligence or willfull misconduct within the privity and knowledge of such third party, such third party shall be liable to the United States Government for the full amount of such removal costs. The United States may bring an action against the third party in any court of competent jurisdiction to recover such removal costs.

"(h) The liabilities established by this section shall in no way affect any rights which (1) the owner or operator of a vessel or of an onshore facility or an offshore facility may have against any third party whose acts may in any way have caused or contributed to such discharge, or (2) the United States Government may have against any third party whose actions may in any way have caused or contributed to the discharge of oil.

"(i)(1) In any case where an owner or operator of a vessel or an onshore facility or an offshore facility from which oil is discharged in violation of subsection (b)(2) of this section acts to remove such oil in accordance with regulations promulgated pursuant to this section, such owner or operator shall be entitled to recover the reasonable costs incurred in such removal upon establishing, in a suit which may be brought against the United States Government in the United States Court of Claims, that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether such act or omission was or was not negligent, or of any combination of the foregoing clauses.

"(2) The provisions of this subsection shall not apply in any case where liability is established pursuant to the Outer Continental Shelf Lands Act.

"(3) Any amount paid in accordance with a judgment of the United States Court of Claims pursuant to this section shall be paid from the funds established pursuant to subsection (k).

"(j)(1) Consistent with the National Contingency Plan required by subsection (c)(2) of this section, as soon as practicable after the effective date of this section, and from time to time thereafter, the President shall issue regulations consistent with maritime safety and with marine and navigation laws (A) establishing methods and procedures for removal of discharged oil, (B) established criteria for the development and implementation of local and regional oil removal contingency plans, (C) establishing procedures, methods, and requirements for equipment to prevent discharges of oil from vessels and from onshore facilities and offshore facilities, and (D) governing the inspection of vessels carrying cargoes of oil and the inspection of such cargoes in order to reduce the likelihood of discharges of oil from such vessels in violation of this section.

"(2) Any owner or operator of a vessel or an onshore facility or an offshore facility and any other person subject to any regulation issued under paragraph (1) of this subsection who fails or refuses to comply with the provisions of any such regulation, shall be liable to a civil penalty of not more than $5,000 for each such violation. Each violation shall be a separate offense. The President may assess and compromise such penalty. No penalty shall be assessed until the owner, operator, or other person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the owner, operator, or other person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by the President.

"(k) There is hereby authorized to be appropriated to a revolving fund to be established in the Treasury not to exceed $35,000,000 to carry out the provisions of subsections (c), (i), and (l) of this section and section 12 of this Act. Any other funds received by the United States under this section shall also be deposited in said fund for such purposes. All sums appropriated, to or deposited in, said fund shall remain available until expended.

"(l) The President is authorized to delegate the administration of this section to the heads of those Federal departments, agencies, and instrumentalities which he determines to be appropriate. Any moneys in the fund established by subsection (k) of this section shall be available to such Federal departments, agencies, and instrumentalities to carry out the provisions of subsections (c) and (i) of this section and section 12 of this Act. Each such department, agency, and instrumentality, in order to avoid duplication of effort, shall, whenever appropriate, utilize the personnel, services, and facilities of other Federal departments, agencies, and instrumentalities.

"(m) Anyone authorized by the President to enforce the provisions of this section may, except as to public vessels, (A) board and inspect any vessel upon the navigable waters of the United States or the waters of the contiguous zone, (B) with or without a warrant arrest any person who violates the provisions of this section or any regulation issued thereunder in his presence or view, and (C) execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(n) The several district courts of the United States are invested with jurisdiction for any actions, other than actions pursuant to subsection (i)(1), arising under this section. In the case of Guam, such actions may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone, such actions may be brought in the United States District Court for the District of the Canal Zone.

"(o)(1) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel, or of any owner or operator of any onshore facility or offshore facility to any person or agency under any provision of law for damages to any publicly-owned or privately-owned property resulting from a discharge of any oil or from the removal of any such oil.

"(2) Nothing in this section shall be construed as preempting any State or political subdivision thereof from imposing any requirement or liability with respect to the discharge of oil into any waters within such State.

"(3) Nothing in this section shall be construed as affecting or modifying any other existing authority of any Federal department, agency, or instrumentality, relative to onshore or offshore facilities under this Act or any other provision of law, or to affect any State or local law not in conflict with this section.

"(p)(1) Any vessel over three hundred gross tons, including any barge of equivalent size, using any port or place in the United States or the navigable waters of the United States for any purpose shall establish and maintain under regulations to be prescribed from time to time by the President, evidence of financial responsibility of $100 per gross ton, or $14,000,000 whichever is the lesser, to meet the liability to the United States which such vessel could be subjected under this section. In cases where an owner or operator owns, operates, or charters more than one such vessel, financial responsibility need only be established to meet the maximum liability to which the largest of such vessels could be subjected. Financial responsibility may be established by any one of, or a combination of, the following methods acceptable to the President: (A) evidence of insurance, (B) surety bonds, (C) qualification as a self-insurer, or (D) other evidence of financial responsibility. Any bond filed shall be issued by a bonding company authorized to do business in the United States.

"(2) The provisions of paragraph (1) of this subsection shall be effective one year after the effective date of this section. The President shall delegate the responsibility to carry out the provisions of this subsection to the appropriate agency head within sixty days after the date of enactment of this section. Regulations necessary to implement this subsection shall be issued within six months after the date of enactment of this section.

"(3) Any claim for costs incurred by such vessel may be brought directly against the insurer or any other person providing evidence of financial responsibility as required under this subsection. In the case of any action pursuant to this subsection such insurer or other person shall be entitled to invoke all rights and defenses which would have been available to the owner or operator if an action had been brought against him by the claimant, and which would have been available to him if an action had been brought against him by the owner or operator.

"(4) The Secretary of Transportation, in consultation with the Secretaries of Interior, State, Commerce, and other interested Federal agencies, representatives of the merchant marine, oil companies, insurance companies, and other interested individuals and organizations, and taking into account the results of the application of paragraph (1) of this subsection, shall conduct a study of the need for and, to the extent determined necessary—

"(A) other measures to provide financial responsibility and limitation of liability with respect to vessels using the navigable waters of the United States;

"(B) measures to provide financial responsibility for all onshore and offshore facilities; and

"(C) other measures for limitation of liability of such facilities;

for the cost of removing discharged oil and paying all damages resulting from the discharge of such oil. The Secretary of Transportation shall submit a report, together with any legislative recommendations, to Congress and the President by January 1, 1971.

"CONTROL OF HAZARDOUS POLLUTING SUBSTANCES

"SEC. 12. (a) The President shall, in accordance with subsection (b) of this section, develop, promulgate, and revise as may be appropriate, regulations (1) designating as hazardous substances, other than oil as defined in section 11 of this Act, such elements and compounds which, when discharged in any quantity into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone, present an imminent and substantial danger to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, shorelines, and beaches; and (2) establishing, if appropriate, recommended methods and means for the removal of such substances.

"(b) Sections 551 through 559, inclusive

(other than section 553(c)), and 701 through 706, inclusive, of title 5, United States Code, shall apply to regulations issued under authority of this section.

"(c) In order to facilitate the removal, if appropriate, of any hazardous substance any person in charge of a vessel or of an onshore or offshore facility of any kind shall, as soon as he has knowledge of any discharge of such substance from such vessel or facility, immediately notify the appropriate agency of the United States of such discharge.

"(d) Whenever any hazardous substance is discharged into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone, unless removal is immediately undertaken by the owner or operator of the vessel or onshore or offshore facility from which the discharge occurs or which caused the discharge, pursuant to the regulations promulgated under this section, the President, if appropriate, shall remove or arrange for the removal thereof in accordance with such regulations. Nothing in this subsection shall be construed to restrict the authority of the President to act to remove or arrange for the removal of such hazardous substance at any time.

"(e) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel, onshore or offshore facility to any person or agency under any provision of law for damages to any publicly- or privately-owned property resulting from a discharge of any hazardous substance or from the removal of any such substance.

"(f)(1) For the purpose of this section the definitions in subsection (a) of section 11 of this Act shall be applicable to the provisions of this section, except as provided in paragraph (2) of this subsection:

"(2) For the purpose of this section, the term—

"(A) 'remove' or 'removal' refers to removal of the hazardous substances from the water and shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches;

"(B) 'owner or operator' means any person owning, operating, chartering by demise, or otherwise controlling the operations of, a vessel, or any person owning, operating, or otherwise controlling the operations of an onshore or offshore facility; and

"(C) 'offshore or onshore facility' means any facility of any kind and related appurtenances thereto which is located in, on, or under the surface of any land, or permanently or temporarily affixed to any land, including lands beneath the navigable waters of the United States and which is used or capable of use for the purpose of processing, transporting, producing, storing, or transferring for commercial purposes any hazardous substance designated under this section.

"(g) The President shall submit a report to the Congress, together with his recommendations, not later than November 1, 1970, on the need for, and desirability of, enacting legislation to impose liability for the cost of removal of hazardous substances discharged from vessels and onshore and offshore facilities subject to this section including financial responsibility requirements. In preparing this report, the President shall conduct an accelerated study which shall include, but not be limited to, the method and measures for controlling hazardous substances to prevent this discharge, and the most appropriate measures for (1) enforcement (including the imposition of civil and criminal penalties for discharges and for failure to notify) and (2) recovery of costs incurred by the United States if removal is undertaken by the United States. In carrying out this study, the President shall consult with the interested representatives of the various public and private groups that would be affected by such legislation as well as other interested persons.

"(h) Any moneys in the funds established by section 11 of this Act shall be available to the President to carry out the purposes of this section. In carrying out this section the President shall utilize the personnel, services, and facilities of Federal departments, agencies, and instrumentalities in such manner as will avoid duplication of effort.

"CONTROL OF SEWAGE FROM VESSELS

"SEC. 13. (a) For the purpose of this section, the term—

"(1) 'new vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, to construction of which is initiated after promulgation of standards and regulations under this section;

"(2) 'existing vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which is initiated before promulgation of standards and regulations under this section;

"(3) 'public vessel' means a vessel owned or bareboat chartered and operated by the United States, by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce;

"(4) 'United States' includes the States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Canal Zone, and the Trust Territory of the Pacific Islands;

"(5) 'marine sanitation device' includes any equipment for installation on board a vessel which is designed to receive, retain, treat, or discharge sewage, and any process to treat such sewage;

"(6) 'sewage' means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

"(7) 'manufacturer' means any person engaged in the manufacturing, assembling, or importation of marine sanitation devices or of vessels subject to standards and regulations promulgated under this section;

"(8) 'person' means an individual, partnership, firm, corporation, or association, but does not include an individual on board a public vessel;

"(9) 'discharge' includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

"(b)(1) As soon as possible, after the enactment of this section and subject to the provisions of section 5(j) of this Act, the Secretary, after consultation with the Secretary of the department in which the Coast Guard is operating, after giving appropriate consideration to the economic costs involved and within the limits of available technology, shall promulgate Federal standards of performance for marine sanitation devices (hereafter in this section referred to as 'standards') which shall be designed to prevent the discharge of untreated or inadequately treated sewage into or upon the navigable waters of the United States from new vessels and existing vessels, except vessels not equipped with installed toilet facilities. Such standards shall be consistent with maritime safety and the marine and nagivation laws and regulations and shall be coordinated with the regulations issued under this subsection by the Secretary of the department in which the Coast Guard is operating. The Secretary of the department in which the Coast Guard is operating shall promulgate regulations, which are consistent with standards promulgated under this subsection and with maritime safety and the marine and navigation laws and regulations, governing the design, construction, installation, and operation of any marine sanitation device on board such vessels.

"(2) Any existing vessel equipped with a marine sanitation device on the date of promulgation of initial standards and regulations under this section, which device is in compliance with such initial standards and regulations, shall be deemed in compliance with this section until such time as the device is replaced or is found not to be in compliance with such initial standards and regulations.

"(c)(1) Initial standards and regulations under this section shall become effective for new vessels two years after promulgation; and for existing vessels five years after promulgation. Revisions of standards and regulations shall be effective upon promulgation, unless another effective date is specified, except that no revision shall take effect before the effective date of the standard or regulation being revised.

"(2) The Secretary of the department in which the Coast Guard is operating with regard to his regulatory authority established by this section, after consultation with the Secretary, may distinguish among classes, types, and sizes of vessels as well as between new and existing vessels, and may waive applicability of standards and regulations as necessary or appropriate for such classes, types, and sizes of vessels (including existing vessels equipped with marine sanitation devices on the date of promulgation of the initial standards required by this section), and, upon application, for individual vessels.

"(d) The provisions of this section and the standards and regulations promulgated hereunder apply to vessels owned and operated by the United States unless the Secretary of Defense finds that compliance would not be in the interest of national security. With respect to vessels owned and operated by the Department of Defense, regulations under the last sentence of subsection (b)(1) and certifications under subsection (g)(2) of this section shall be promulgated and issued by the Secretary of Defense.

"(e) Before the standards and regulations under this section are promulgated, the Secretary and the Secretary of the department in which the Coast Guard is operating shall consult with the Secretary of State; the Secretary of Health, Education, and Welfare; the Secretary of Defense; the Secretary of the Treasury; the Secretary of Commerce; other interested Federal agencies; and the States and industries interested; and otherwise comply with the requirements of section 553 of title 5 of the United States Code.

"(f) After the effective date of the initial standards and regulations promulgated under this section, no State or political subdivision thereof shall adopt or enforce any statute or regulation of such State or political subdivision with respect to the design, manufacture, or installation or use of any marine sanitation device on any vessel subject to the provisions of this section. Upon application by a State, and where the Secretary determines that any applicable water quality standards require such a prohibition, he shall by regulation completely prohibit the discharge from a vessel of any sewage (whether treated or not) into those waters of such State which are the subject of the application and to which such standards apply.

"(g)(1) No manufacturer of a marine sanitation device shall sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States for sale or resale any marine sanitation device manufactured after the effective date of the standards and regulations promulgated under this section unless such device is in all material respects substantially the same as a test device certified under this subsection.

"(2) Upon application of the manufacturer, the Secretary of the department in which the Coast Guard is operating shall so certify a marine sanitation device if he determines, in accordance with the provisions of this paragraph, that it meets the appropriate standards and regulations promulgated under this section. The Secretary of the department in which the Coast Guard is operating shall test or require such testing of the device in accordance with procedures set forth by the Secretary as to standards of performance and for such other purposes as may be appropriate. If the Secretary of the department in which the Coast Guard is operating determines that the device is satisfactory from the standpoint of safety and any other requirements of maritime law or regulation, and after consideration of the design, installation, operation, material, or other appropriate factors, he shall certify the device. Any device manufactured by such manufacturer which is in all material respects substantially the same as the certified test device shall be deemed to be in conformity with the appropriate standards and regulations established under this section.

"(3) Every manufacturer shall establish and maintain such records, make such reports, and provide such information as the Secretary or the Secretary of the department in which the Coast Guard is operating may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this section and regulations issued thereunder and shall, upon request of an officer or employee duly designated by the Secretary or the Secretary of the department in which the Coast Guard is operating, permit such officer or employee at reasonable times to have access to and copy such records. All information reported to or otherwise obtained by, the Secretary or the Secretary of the department in which the Coast Guard is operating or their representatives pursuant to this subsection which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this section. This paragraph shall not apply in the case of the construction of a vessel by an individual for his own use.

"(h) After the effective date of standards and regulations promulgated under this section, it shall be unlawful—

"(1) for the manufacturer of any vessel subject to such standards and regulations to manufacture for sale, to sell or offer for sale, or to distribute for sale or resale any such vessel unless it is equipped with a marine sanitation device which is in all material respects substantially the same as the appropriate test device certified pursuant to this section;

"(2) for any person, prior to the sale or delivery of a vessel subject to such standards and regulations to the ultimate purchaser, wrongfully to remove or render inoperative any certified marine sanitation device or element of design of such device installed in such vessel;

"(3) for any person to fail or refuse to permit access to or copying of records or to fail to make reports or provide information required under this section; and

"(4) for a vessel subject to such standards and regulations to operate on the navigable waters of the United States, if such vessel is not equipped with an operable marine sanitation device certified pursuant to this section.

"(i) The district courts of the United States shall have jurisdictions to restrain violations of subsection (g)(1) and subsections (h)(1) through (3) of this section. Actions to restrain such violations shall be brought by, and in, the name of the United States. In case of contumacy or refusal to obey a subpena served upon any person under this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(j) Any person who violates subsection (g)(1) or clause (1) or (2) of subsection (h) of this section shall be liable to a civil penalty of not more than $5,000 for each violation. Any person who violates clause (4) of subsection (h) of this section of any regulation issued pursuant to this section shall be liable to a civil penalty of not more than $2,000 for each violation. Each violation shall be a separate offense. The Secretary of the department in which the Coast Guard is operating may assess and compromise any such penalty. No penalty shall be assessed until the person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by said Secretary.

"(k) The provisions of this section shall be enforced by the Secretary of the department in which the Coast Guard is operating and he may utilize by agreement, with or without reimbursement, law enforcement officers or other personnel and facilities of the Secretary, other Federal agencies, or the States to carry out the provisions of this section.

"(l) Anyone authorized by the Secretary of the department in which the Coast Guard is operating to enforce the provisions of this section may, except as to public vessels, (1) board and inspect any vessel upon the navigable waters of the United States and (2) execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(m) In the case of Guam, actions arising under this section may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone, such actions may be brought in the District Court for the District of the Canal Zone.

"AREA ACID AND OTHER MINE WATER POLLUTION CONTROL DEMONSTRATIONS

"SEC. 14. (a) The Secretary in cooperation with other Federal departments, agencies, and instrumentalities is authorized to enter into agreements with any State or interstate agency to carry out one or more projects to demonstrate methods for the elimination or control, within all or part of a watershed, of acid or other mine water pollution resulting from active or abandoned mines. Such projects shall demonstrate the engineering and economic feasibility and practicality of various abatement techniques which will contribute substantially to effective and practical methods of acid or other mine water pollution elimination or control.

"(b) The Secretary, in selecting watersheds for the purposes of this section, shall (1) require such feasibility studies as he deems appropriate, (2) give preference to areas which have the greatest present or potential value for public use for recreation, fish and wildlife, water supply, and other public uses, and (3) be satisfied that the project area will not be affected adversely by the influx of acid or other mine water pollution from nearby sources.

"(c) Federal participation in such projects shall be subject to the conditions—

"(1) that the State or interstate agency shall pay not less than 25 per centum of the actual project costs which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, or personal property or services, the value of which shall be determined by the Secretary; and

"(2) that the State or interstate agency shall provide legal and practical protection to the project area to insure against any activities which will cause future acid or other mine water pollution.

"(d) There is authorized to be appropriated $15,000,000 to carry out the provisions of this section, which sum shall be available until expended. No more than 25 per centum of the total funds available under this section in any one year shall be granted to any one State.

"POLLUTION CONTROL IN GREAT LAKES

"SEC. 15. (a) The Secretary, in cooperation with other Federal departments, agencies, and instrumentalities is authorized to enter into agreements with any State, political subdivision, interstate agency, or other public agency, or combination thereof, to carry out one or more projects to demonstrate new methods and techniques and to develop preliminary plans for the elimination or control of pollution, within all or any part of the watersheds of the Great Lakes. Such projects shall demonstrate the engineering and economic feasibility and practicality of removal of pollutants and prevention of any polluting matter from entering into the Great Lakes in the future and other abatement and remedial techniques which will contribute substantially to effective and practical methods of water pollution elimination or control.

"(b) Federal participation in such projects shall be subject to the condition that the State, political subdivision, interstate agency, or other public agency, or combination thereof, shall pay not less than 25 per centum of the actual project costs, which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, and personal property or services the value of which shall be determined by the Secretary.

"(c) There is authorized to be appropriated $20,000,000 to carry out the provisions of this section, which sum shall be available until expended.

"TRAINING GRANTS AND CONTRACTS

"SEC. 16. The Secretary is authorized to make grants to or contracts with institutions of higher education, or combinations of such institutions, to assist them in planning developing, strengthening, improving, or carrying out programs or projects for the preparation of undergraduate students to enter an occupation which involves the design, operation and maintenance of treatment works, and other facilities whose purpose is water quality control. Such grants or contracts may include payment of all or part of the cost of programs or projects such as—

"(A) planning for the development or expansion, of programs or projects for training persons in the operation and maintenance of treatment works;

"(B) training and retraining of faculty members;

"(C) conduct of short-term or regular session institutes for study by persons engaged in, or preparing to engage in, the preparation of students preparing to enter an occupation involving the operation and maintenance of treatment works;

"(D) carrying out innovative and experimental programs of cooperative education involving alternate periods of full-time or part-time academic study at the institution and periods of full-time or part-time employment involving the operation and maintenance of treatment works; and

"(E) research into, and development of, methods of training students or faculty, including the preparation of teaching materials and the planning of curriculum.

"APPLICATION FOR TRAINING GRANT OR CONTRACT; ALLOCATION OF GRANTS OR CONTRACTS

"SEC. 17. (1) A grant or contract authorized by section 16 may be made only upon application to the Secretary at such time or times and containing such information as he may prescribe, except that no such application shall be approved unless it—

"(A) sets forth programs, activities, research, or development for which a grant is authorized under section 16, and describes the relation to any program set forth by the applicant in an application, if any, submitted pursuant to section 18;

"(B) provides such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section; and

"(C) provides for making such reports, in such form and containing such information, as the Secretary may require to carry out his functions under this section, and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

"(2) The Secretary shall allocate grants or contracts under section 16 in such manner as will most nearly provide an equitable distribution of the grants or contracts throughout the United States among institutions of higher education which show promise of being able to use funds effectively for the purposes of this section.

"(3)(A) Payment under this section may be used in accordance with regulations of the Secretary, and subject to the terms and conditions set forth in an application approved under subsection (a), to pay part of the compensation of students employed in connection with the operation and maintenance of treatment works, other than as an employee in connection with the operation and maintenance of treatment works or as an employee in any branch of the Government of the United States, as part of a program for which a grant has been approved pursuant to this section.

"(B) Departments and agencies of the United States are encouraged, to the extent consistent with efficient administration, to enter into arrangements with institutions of higher education for the full-time, part-time, or temporary employment, whether in the competitive or excepted service, of students enrolled in programs set forth in applications approved under subsection (a).

"AWARD OF SCHOLARSHIPS

"SEC. 18. (1) The Secretary is authorized to award scholarships in accordance with the provisions of this section for undergraduate study by persons who plan to enter an occupation involving the operation and maintenance of treatment works. Such scholarships shall be awarded for such periods as the Secretary may determine but not to exceed four academic years.

"(2) The Secretary shall allocate scholarships under this section among institutions of higher education with programs approved under the provisions of this section for the use of individuals accepted into such programs, in such manner and according to such plan as will insofar as practicable—

"(A) provide an equitable distribution of such scholarships throughout the United States; and

"(B) attract recent graduates of secondary schools to enter an occupation involving the operation and maintenance of treatment works.

"(3) The Secretary shall approve a program of an institution of higher education for the purposes of this section only upon application by the institution and only upon his finding—

"(A) that such program has as a principal objective the education and training of persons in the operation and maintenance of treatment works;

"(B) that such program is in effect and of high quality, or can be readily put into effect and may reasonably be expected to be of high quality;

"(C) that the application describes the relation of such program to any program, activity, research, or development set forth by the applicant in an application, if any, submitted pursuant to section 16 of this Act; and

"(D) that the application contains satisfactory assurances that (i) the institution will recommend to the Secretary for the award of scholarships under this section, for study in such program, only persons who have demonstrated to the satisfaction of the institution a serious intent, upon completing the program, to enter an occupation involving the operation and maintenance of treatment works, and (ii) the institution will make reasonable continuing efforts to encourage recipients of scholarships under this section, enrolled in such program, to enter occupations involving the operation and maintenance of treatment works upon completing the program.

"(4)(A) The Secretary shall pay to persons awarded scholarships under this section such stipends (including such allowances for subsistence and other expenses for such persons and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

"(B) The Secretary shall (in addition to the stipends paid to persons under subsection (a)) pay to the institution of higher education at which such person is pursuing his course of study such amount as he may determine to be consistent with prevailing practices under comparable federally supported programs.

"(5) A person awarded a scholarship under the provisions of this section shall continue to receive the payments provided in this section only during such periods as the Secretary finds that he is maintaining satisfactory proficiency and devoting full time to study or research in the field in which such scholarship was awarded in an institution of higher education, and is not engaging in gainful employment other than employment approved by the Secretary by or pursuant to regulation.

"(6) The Secretary shall by regulation provide that any person awarded a scholarship under this section shall agree in writing to enter and remain in an occupation involving the design, operation, or maintenance of treatment works for such period after completion of his course of studies as the Secretary determines appropriate.

"DEFINITIONS AND AUTHORIZATIONS

"SEC. 19. As used in sections 16 through 19 of this Act—

"(A) The term 'State' includes the District of Columbia, Puerto Rico, the Canal Zone, Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

"(B) The term 'institution of higher education' means an educational institution described in the first sentence of section 1201 of the Higher Education Act of 1965 (other than an institution of any agency of the United States) which is accredited by a nationally recognized accrediting agency or association approved by the Secretary for this purpose. For purposes of this subsection, the Secretary shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

"(C) The term 'academic year' means an academic year or its equivalent, as determined by the Secretary.

"(2) The Secretary shall annually report his activities under sections 16 through 19 of this Act, including recommendations for needed revisions in the provisions thereof.

"(3) There are authorized to be appropriated $12,000,000 for the fiscal year ending June 30, 1970, $25,000,000 for the fiscal year ending June 30, 1971, and $25,000,000 for the fiscal year ending June 30, 1972, to carry out sections 16 through 19 of this Act (and planning and related activities in the initial fiscal year for such purpose). Funds appropriated for the fiscal year ending June 30, 1970, under authority of this subsection shall be available for obligation pursuant to the provisions of sections 16 through 19 of this Act during that year and the succeeding fiscal year.

"ALASKA VILLAGE DEMONSTRATION PROJECTS

"SEC. 20. (a) The Secretary is authorized to enter into agreements with the State of Alaska to carry out one or more projects to demonstrate methods to provide for central community facilities for safe water and the elimination or control of water pollution in those native villages of Alaska without such facilities. Such projects shall include provisions for community safe water supply systems, toilets, bathing and laundry facilities, sewage disposal facilities, and other similar facilities, and educational and informational facilities and programs relating to health and hygiene. Such demonstration projects shall be for the further purpose of developing preliminary plans for providing such safe water and such elimination or control of water pollution for all native villages in such State.

"(b) In carrying out this section the Secretary shall cooperate with the Secretary of Health, Education, and Welfare for the purpose of utilizing such of the personnel and facilities of that Department as may be appropriate.

"(c) The Secretary shall report to Congress not later than January 31, 1973, the results of the demonstration projects authorized by this section together with his recommendations, including any necessary legislation, relating to the establishment of a statewide program.

"(d) There is authorized to be appropriated not to exceed $1,000,000 to carry out this section."

SEC. 103. Redesignated section 21 of the Federal Water Pollution Control Act, as amended to read as follows:

"COOPERATION BY ALL FEDERAL AGENCIES IN THE CONTROL OF POLLUTION

"SECTION 21. (a) Each Federal agency (which term is used in this section includes Federal departments, agencies, and instrumentalities) having jurisdiction over any real property or facility, or engaged in any Federal public works activity of any kind, shall, consistent with the paramount interest of the United States as determined by the President, insure compliance with applicable water quality standards and the purposes of this Act in the administration of such property, facility, or activity. In his summary of any conference pursuant to section 10(d)(4) of this Act, the Secretary shall include references to any discharges allegedly contributing to pollution from any such Federal property, facility, or activity, and shall transmit a copy of such summary to the head of the Federal agency having jurisdiction of such property, facility, or activity. Notice of any hearing pursuant to section 10(f) of this Act involving any pollution alleged to be effected by any such discharges shall also be given to the Federal agency having jurisdiction over the property, facility, or activity involved, and the findings and recommendations of the hearing board conducting such hearing shall include refer-

ences to any such discharges which are contributing to the pollution found by such board.

"(b)(1) Any applicant for a Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters of the United States, shall provide the licensing or permitting agency a certification from the State in which the discharge originates or will originate, or, if appropriate, from the interstate water pollution control agency having jurisdiction over the navigable waters at the point where the discharge originates or will originate, that there is reasonable assurance, as determined by the State or interstate agency that such activity will be conducted in a manner which will not violate applicable water quality standards. Such State or interstate agency shall establish procedures for public notice in the case of all applications for certification by it, and to the extent it deems appropriate, procedures for public hearings in connection with specific applications. In any case where such standards have been promulgated by the Secretary pursuant to section 10(c) of this Act, or where a State or interstate agency has no authority to give such a certification, such certification shall be from the Secretary. If the State, interstate agency, or Secretary, as the case may be, fails or refuses to act on a request for certification, within a reasonable period of time (which shall not exceed one year) after receipt of such request, the certification requirements of this subsection shall be waived with respects to such Federal application. No license or permit shall be granted until the certification required by this section has been obtained or has been waived as provided in the preceding sentence. No license or permit shall be granted if certification has been denied by the State, interstate agency, or the Secretary, as the case may be.

"(2) Upon receipt of such application and certification the licensing or permitting agency shall immediately notify the Secretary of such application and certification. Whenever such a discharge may affect, as determined by the Secretary, the quality of the waters of any other State, the Secretary within thirty days of the date of notice of application for such Federal license or permit shall so notify such other State, the licensing or permitting agency, and the applicant. If, within sixty days after receipt of such notification, such other State determines that such discharge will affect the quality of its waters so as to violate its water quality standards, and within such sixty-day period notifies the Secretary and the licensing or permitting agency in writing of its objection to the issuance of such license or permit and requests a public hearing on such objection, the licensing or permitting agency shall hold such a hearing. The Secretary shall at such hearing submit his evaluation and recommendations with respect to any such objection to the licensing or permitting agency. Such agency, based upon the recommendations of such State, the Secretary, and upon any additional evidence, if any, presented to the agency at the hearing, shall condition such license or permit in such manner as may be necessary to insure compliance with applicable water quality standards. If the imposition of conditions cannot insure such compliance such agency shall not issue such license or permit.

"(3) The certification obtained pursuant to paragraph (1) of this subsection with respect to the construction of any facility shall fulfill the requirements of this subsection with respect to certification in connection with any other Federal license or permit required for the operation of such facility unless, after notice to the certifying State, agency, or Secretary, as the case may be, which shall be given by the Federal agency to whom application is made for such operating license or permit, the State, or if appropriate, the interstate agency or the Secretary, notifies such agency within sixty days after receipt of such notice that there is no longer reasonable assurance that there will be compliance with applicable water quality standards because of changes since the construction license or permit certification was issued in (A) the construction or operation of the facility, (B) the characteristics of the waters into which such discharge is made, or (C) the water quality standards applicable to such waters. This paragraph shall be inapplicable in any case where the applicant for such operating license or permit has failed to provide the certifying State, or if appropriate, the interstate agency or the Secretary, with notice of any proposed changes in the construction or operation of the facility with respect to which a construction license or permit has been granted which changes may result in violation of applicable water quality standards.

"(4) Prior to the initial operation of any federally licensed or permitted facility or activity which may result in any discharge into the navigable waters of the United States and with respect to which a certification has been obtained pursuant to paragraph (1) of this subsection, which facility or activity is not subject to a Federal operating license or permit, the licensee or permittee shall provide an opportunity for such certifying State or, if appropriate, the interstate agency or the Secretary to review the manner in which the facility or activity shall be operated or conducted for the purposes of assuring that applicable water quality standards will not be violated. Upon notification by the certifying State or, if appropriate, the interstate agency or the Secretary that the operation of any such federally licensed or permitted facility or activity will violate applicable water quality standards, such Federal agency may, after public hearing, suspend such license or permit. If such license or permit is suspended, it shall remain suspended until notification is received from the certifying State, agency, or Secretary, as the case may be, that there is reasonable assurance that such facility or activity will not violate applicable water quality standards.

"(5) Any Federal license or permit with respect to which a certification has been obtained under paragraph (1) of this subsection may be suspended or revoked by the Federal agency issuing such license or permit upon the entering of a judgment under section 10(h) of this Act that such facility or activity has been operated in violation of applicable water quality standards.

"(6) No Federal agency shall be deemed to be an applicant for the purposes of this subsection.

"(7) In any case where actual construction of a facility has been lawfully commenced prior to the date of enactment of the Water Quality Improvement Act of 1970, no certification shall be required under this subsection for a license or permit issued after the date of enactment of such Act of 1970 to operate such facility, except that any such license or permit issued without certification shall terminate at the end of the three-year period beginning on the date of enactment of such Act of 1970 unless prior to such termination date the person having such license or permit submits to the Federal agency which issued such license or permit a certification and otherwise meets the requirements of this subsection.

"(8) Except as provided in paragraph (7), any application for a license or permit (A) that is pending on the date of enactment of the Water Quality Improvement Act of 1970 and (B) that is issued within one year following such date of enactment shall not require certification pursuant to this subsection for one year following the issuance of such license or permit, except that any such license or permit issued shall terminate at the end of one year unless prior to that time the licensee or permittee submits to the Federal agency that issued such license or permit a certification and otherwise meets the requirements of this subsection.

"(9)(A) In the case of any activity which will affect water quality but for which there are no applicable water quality standards, no certification shall be required under this subsection, except that the licensing or permitting agency shall impose, as a condition of any license or permit, a requirement that the licensee or permittee shall comply with the purposes of this Act.

"(B) Upon notice from the State in which the discharge originates or, as appropriate, the interstate agency or the Secretary, that such licensee or permittee has been notified of the adoption of water quality standards applicable to such activity and has failed, after reasonable notice, of not less than six months, to comply with such standards, the license or permit shall be suspended until notification is received from such State or interstate agency or the Secretary that there is reasonable assurance that such activity will comply with applicable water quality standards.

"(c) Nothing in this section shall be construed to limit the authority of any department or agency pursuant to any other provision of law to require compliance with applicable water quality standards. The Secretary shall, upon the request of any Federal department or agency, or State or interstate agency, or applicant, provide, for the purpose of this section, any relevant information on applicable water quality standards, and shall, when requested by any such department or agency or State or interstate agency, or applicant, comment on any methods to comply with such standards.

"(d) In order to implement the provisions of this section, the Secretary of the Army, acting through the Chief of Engineers, is authorized, if he deems it to be in the public interest, to permit the use of spoil disposal areas under his jurisdiction by Federal licensees or permittees, and to make an appropriate charge for such use. Moneys received from such licensees or permittees shall be deposited in the Treasury as miscellaneous receipts."

SEC. 104. Redesignated section 22 of the Federal Water Pollution Control Act, as amended, is amended by adding at the end thereof the following:

"(f)(1) It is the purpose of this subsection to authorize a program which will provide official recognition by the United States Government to those industrial organizations and political subdivisions of States which during the preceding year demonstrated an outstanding technological achievement or an innovative process, method or device in their waste treatment and pollution abatement programs. The Secretary shall, in consultation with the appropriate State water pollution control agency, establish regulations under which such recognition may be applied for and granted, except that no applicant shall be eligible for an award under this subsection if such applicant is not in total compliance with all applicable water quality standards under this Act, and otherwise does not have a satisfactory record with respect to environmental quality.

"(2) The Secretary shall award a certificate or plaque of suitable design to each industrial organization or political subdivision which qualifies for such recognition under regulations established by this subsection.

"(3) The President of the United States, the Governor of the appropriate State, the Speaker of the House of Representatives, and the President pro tempore of the Senate shall be notified of the award by the Secretary, and the awarding of such recognition shall be published in the Federal Register."

SEC. 105. Section 5 of the Federal Water Pollution Control Act, as amended, is amended as follows:

(1) by redesignating subsections (g) and (h) as (m) and (n), respectively, including all references thereto;

(2) by inserting after subsecton (f) the following new subsections:

"(g)(1) For the purpose of providing an adequate supply of trained personnel to operate and maintain existing and future treatment works and related activities, and for the purpose of enhancing substantially the proficiency of those engaged in such activities, the Secretary shall finance a pilot program, in cooperation with State and interstate agencies, municipalities, educational institutions, and other organizations and individuals, of manpower development and training and retraining of persons in, or entering into, the field of operation and maintenance of treatment works and related activities. Such program and any funds expended for such a program shall supplement, not supplant, other manpower and training programs and funds available for the purposes of this paragraph. The Secretary is authorized, under such terms and conditions as he deems appropriate, to enter into agreements with one or more States, acting jointly or severally, or with other public or private agencies or institutions for the development and implementation of such a program.

"(2) The Secretary is authorized to enter into agreements with public and private agencies and institutions, and individuals to develop and maintain an effective system for forecasting the supply of, and demand for, various professional and other occupational categories needed for the prevention, control, and abatement of water pollution in each region, State, or area of the United States and, from time to time, to publish the results of such forecasts.

"(3) In furtherance of the purposes of this Act, the Secretary is authorized to—

"(A) make grants to public or private agencies and institutions and to individuals for training projects, and provide for the conduct of training by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes;

"(B) establish and maintain research fellowships in the Department of the Interior with such stipends and allowances, including traveling and subsistence expenses, as he may deem necessary to procure the assistance of the most promising research fellowships; and

"(C) provide, in addition to the program established under paragraph (1) of this subsection, training in technical matters relating to the causes, prevention, and control of water pollution for personnel of public agencies and other persons with suitable qualifications.

"(4) The Secretary shall submit, through the President, a report to the Congress within eighteen months from the date of enactment of this subsection, summarizing the actions taken under this subsection and the effectiveness of such actions, and setting forth the number of persons trained, the occupational categories for which training was provided, the effectiveness of other Federal, State, and local training programs in this field, together with estimates of future needs, recommendations on improving training programs, and such other information and recommendations, including legislative recommendations, as he deems appropriate.

"(h) The Secretary is authorized to enter into contracts with, or make grants to, public or private agencies and organizations and individuals for (A) the purpose of developing and demonstrating new or improved methods for the prevention, removal, and control of natural or manmade pollution in lakes, including the undesirable effects of nutrients and vegetation, and (B) the construction of publicly owned research facilities for such purpose.

"(i) The Secretary shall—

"(A) engage in such research, studies, experiments, and demonstrations as he deems appropriate, relative to the removal of oil from any waters and to the prevention and control of oil pollution;

"(B) publish from time to time the results of such activities; and

"(C) from time to time, develop and publish in the Federal Register specifications and other technical information on the various chemical compounds used as dispersants or emulsifiers in the control of oil spills.

In carrying out this subsection, the Secretary may enter into contracts with, or make grants to, public or private agencies and organizations and individuals.

"(j) The Secretary shall engage in such research, studies, experiments, and demonstrations as he deems appropriate relative to equipment which is to be installed on board a vessel and is designed to receive, retain, treat, or discharge human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes with particular emphasis on equipment to be installed on small recreational vessels. The Secretary shall report to Congress the results of such research, studies, experiments, and demonstrations prior to the effective date of any standards established under section 13 of this Act. In carrying out this subsection the Secretary may enter into contracts with, or make grants to, public or private organizations and individuals.

"(k) In carrying out the provisions of this section relating to the conduct by the Secretary of demonstration projects and the development of field laboratories and research facilities, the Secretary may acquire land and interests therein by purchase, with appropriated or donated funds, by donation, or by exchange for acquired or public lands under his jurisdiction which he classifies as suitable for disposition. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

"(l)(1) The Secretary shall, after consultation with appropriate local, State, and Federal agencies, public and private organizations, and interested individuals, as soon as practicable but not later than two years after the effective date of this subsection, develop and issue to the States for the purpose of adopting standards pursuant to section 10(c) the latest scientific knowledge available in indicating the kind and extent of effects on health and welfare which may be expected from the presence of pesticides in the water in varying quantities. He shall revise and add to such information whenever necessary to reflect developing scientific knowledge.

"(2) For the purpose of assuring effective implementation of standards adopted pursuant to paragraph (1) the President shall, in consultation with appropriate local, State, and Federal agencies, public and private organizations, and interested individuals, conduct a study and investigation of methods to control the release of pesticides into the environment which study shall include examination of the persistency of pesticides in the water environment and alternatives thereto. The President shall submit a report on such investigation to Congress together with his recommendations for any necessary legislation within two years after the effective date of this subsection."

(3) in redesignated subsection (m)(4) by striking out the words "and June 30, 1969," and inserting in lieu thereof "June 30, 1969, June 30, 1970, and June 30, 1971,";

(4) by amending the first sentence of redesignated subsection (n) to read as follows: "There is authorized to be appropriated to carry out this section, other than subsection (g)(1) and (2), not to exceed $65,000,000 per fiscal year for each of the fiscal years ending June 30, 1969, June 30, 1970, and June 30, 1971. There is authorized to be appropriated to carry out subsection (g)(1) of this section $5,000,000 for the fiscal year ending June 30, 1970, and $7,500,000 for the fiscal year ending June 30, 1971. There is authorized to be appropriated to carry out subsection (g)(2) of this section $2,500,000 per fiscal year for each of the fiscal years ending June 30, 1970, and June 30, 1971.".

SEC. 106. Section 6(e) of the Federal Water Pollution Control Act (33 U.S.C. 466c–1) is amended as follows:

(1) Paragraph (1) is amended by striking out "three succeeding fiscal years" and inserting in lieu thereof "five succeeding fiscal years,".

(2) Paragraph (2) is amended by striking out "two succeeding fiscal years," and inserting in lieu thereof "four succeeding fiscal years,".

(3) Paragraph (3) is amended by striking out "two succeeding fiscal years," and inserting in lieu thereof "four succeeding fiscal years,".

SEC. 107. Redesignated section 24 of the Federal Water Pollution Control Act, as amended, is amended by deleting the following: "the Oil Pollution Act, 1924, or".

SEC. 108. The Oil Pollution Act, 1924 (43 Stat. 604), as amended (80 Stat. 1246–1252), is hereby repealed.

SEC. 109. The Secretary of the Interior shall conduct a full and complete investigation and study of the feasibility of all methods of financing the cost of preventing, controlling, and abating water pollution, other than methods authorized by existing law. The results of such investigation and study shall be reported to Congress no later than December 31, 1970, together with the recommendations of the Secretary for financing the programs for preventing, controlling, and abating water pollution for the fiscal years beginning after fiscal year 1971, including any necessary legislation.

SEC. 110. (a) The first sentence of section 2 of the Federal Water Pollution Control Act (33 U.S.C. 466–1) is amended by striking out "Federal Water Pollution Control Administration" and inserting in lieu thereof "Federal Water Quality Administration".

(b) Any other law, reorganization plan, regulation, map, document, record, or other paper of the United States in which the Federal Water Pollution Control Administration is referred to shall be held to refer to the Federal Water Quality Administration.

SEC. 111. Section 8(c) of the Federal Water Pollution Control Act is amended in the fourth sentence by inserting after "because of lack of funds" the following: "including States having projects eligible for reimbursement pursuant to the sixth and seventh sentences of this subsection".

SEC. 112. Section 10 of the Federal Water Pollution Control Act, as amended, is amended by adding at the end of subsection (c)(3) the following new sentence: "In establishing such standards the Secretary, the hearing board, or the appropriate State authority shall take into consideration their use and value for navigation."

TITLE II—ENVIRONMENTAL QUALITY

SHORT TITLE

SEC. 201. This title may be cited as the "Environmental Quality Improvement Act of 1970."

FINDINGS, DECLARATIONS, AND PURPOSES

SEC. 202. (a) The Congress finds—

(1) that man has caused changes in the environment;

(2) that many of these changes may affect the relationship between man and his environment; and

(3) that population increases and urban concentration contribute directly to pollution and the degradation of our environment.

(b)(1) The Congress declares that there is a national policy for the environment which provides for the enhancement of environmental quality. This policy is evidenced by statutes heretofore enacted relating to the prevention, abatement, and control of environmental pollution, water and land resources, transportation, and economic and regional development.

(2) The primary responsibility for implementing this policy rests with State and local governments.

(3) The Federal Government encourages and supports implementation of this policy through appropriate regional organizations established under existing law.

(c) The purposes of this title are—

(1) to assure that each Federal department and agency conducting or supporting public works activities which affect the environment shall implement the policies established under existing law; and

(2) to authorize an Office of Environmental Quality, which, notwithstanding any other provision of law, shall provide the professional and administrative staff for the Council on Environmental Quality established by Public Law 91–190.

OFFICE OF ENVIRONMENTAL QUALITY

SEC. 203 (a) There is established in the Executive Office of the President an office to be known as the Office of Environmental Quality (hereafter in this title referred to as the "Office"). The Chairman of the Council on Environmental Quality established by Public Law 91–190 shall be the Director of the Office. There shall be in the Office a Deputy Director who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) The compensation of the Deputy Director shall be fixed by the President at a rate not in excess of the annual rate of compensation payable to the Deputy Director of the Bureau of the Budget.

(c) The Director is authorized to employ such officers and employees (including experts and consultants) as may be necessary to enable the Office to carry out its functions under this title and Public Law 91–190, except that he may employ no more than ten specialists and other experts without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and pay such specialists and experts without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but no such specialist or expert shall be paid at a rate in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of title 5.

(d) In carrying out his functions the Director shall assist and advise the President on policies and programs of the Federal Government affecting environmental quality by—

(1) providing the professional and administrative staff and support for the Council on Environmental Quality established by Public Law 91–190;

(2) assisting the Federal agencies and departments in appraising the effectiveness of existing and proposed facilities, programs, policies, and activities of the Federal Government, and those specific major projects designated by the President which do not require individual project authorization by Congress, which affect environmental quality;

(3) reviewing the adequacy of exiting systems for monitoring and predicting environmental changes in order to achieve effective coverage and efficient use of research facilities and other resources;

(4) promoting the advancement of scientific knowledge of the effects of actions and technology on the environment and encourage the development of the means to prevent or reduce adverse effects that endanger the health and well-being of man;

(5) assisting in coordinating among the Federal departments and agencies those programs and activities which affect, protect, and improve environmental quality;

(6) assisting the Federal departments and agencies in the development and interrelationship of environmental quality criteria and standards established through the Federal Government.

(7) collecting, collating, analyzing, and interpreting data and information on environmental quality, ecological research, and evaluation.

(e) The Director is authorized to contract with public or private agencies, institutions, and organizations and with individuals without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5) in carrying out his functions.

REPORT

SEC. 204. Each Environmental Quality Report required by Public Law 91–190 shall, upon transmittal to Congress, be referred to each standing committee having jurisdiction over any part of the subject matter of the Report.

AUTHORIZATION

SEC. 205. There are hereby authorized to be appropriated not to exceed $500,000 for the fiscal year ending June 30, 1970, not to exceed $750,000 for the fiscal year ending June 30, 1971, not to exceed $1,250,000 for the fiscal year ending June 30, 1972, and not to exceed $1,500,000 for the fiscal year ending June 30, 1973. These authorizations are in addition to those contained in Public Law 91–190.

JOHN A. BLATNIK,
ROBT. E. JONES,
JIM WRIGHT,
GEORGE H. FALLON,
WILLIAM C. CRAMER,
WM. HARSHA,
JAMES R. GROVER, Jr.,
Managers on the Part of the House.

EDMUND S. MUSKIE,
JENNINGS RANDOLPH,
BIRCH BAYH,
JOSEPH M. MONTOYA,
J. CALEB BOGGS,
JOHN SHERMAN COOPER,
HOWARD BAKER,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4148) to amend the Federal Water Pollution Control Act, as amended, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendment to the text of the bill struck out all of the House bill after the enacting clause and inserted a substitute. The House recedes from its disagreement to the amendment of the Senate, with an amendment which is a substitute for both the House bill and the Senate amendment. The differences between the House bill and the substitute agreed to in conference are noted below except for minor technical and clarifying changes made necessary by reason of the conference agreement.

CONTROL OF POLLUTION BY OIL

House bill

Section 2 of the House bill adds seven new sections to the Federal Water Pollution Control Act. The proposed new section 17 deals with control of pollution by oil and other matter.

Section 17(a) would define various terms used in this new section.

Paragraph (1) would define the term "oil" to include fuel oil, sludge, and oil refuse, but to exclude oil mixed with dredged spoil.

Paragraph (2) would define the term "matter" to include any substance which, when discharged in substantial quantities, presents, in the judgment of the Secretary of the Interior, an imminent and substantial hazard to the public health or welfare. The definition specifically excludes from this term oil, dredged spoil, and sanitary wastes, and certain material now covered by the Atomic Energy Act of 1954. Under this definition, the Secretary would be expected to publish a list from time to time of the types of substances included in this definition in order to inform the public in accordance with established administrative procedures.

Paragraph (3) defines the term "discharge."

Paragraph (4) defines the term "remove or removal" to mean the taking of reasonable and appropriate measures to mitigate the potential damage that a discharge of oil or matter might have on the public health or welfare including fish, shellfish, wildlife, and private and public beaches and shorelines.

Paragraphs (5) and (6) define the terms "vessel" and "public vessel."

Paragraph (7) defines the term "United States."

Paragraph (8) defines the term "owner or operator."

Paragraph (9) defines the term "person."

Paragraph (10) defines the term "contiguous zone" which means the zone established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone.

Section 17(b) would require that any individual in charge of a vessel, other than a public vessel or an offshore or onshore facility or a Federal or State facility, at the time of a discharge of oil in substantial quantities into the navigable waters of the United States or into the waters of the contiguous zone must immediately notify either the Secretary of the Interior or the Coast Guard as soon as he has knowledge of the discharge.

This section would also provide a criminal penalty for any individual in charge of such vessel or facility who fails to notify the Secretary or the Coast Guard of a discharge. The term "individual in charge" is deliberately designed to cover only supervisory personnel who have the responsibility for the particular vessel or facility and not to include other employees.

Section 17(c)(1) would prohibit the discharge of oil or matter in substantial quantities from any vessel into or upon the navigable waters of the United States or adjoining shorelines or beaches, or into or upon the waters of the contiguous zone, if such oil threatens to pollute or contribute to the pollution of the territorial sea of the United States, and subjects violators to the penalties in section 17(c)(2). The section excepts from this prohibition various circumstances such as acts of war or sabotage or acts of God, or unavoidable accidents, collisions, or strandings, or discharges permitted under article IV of the 1954 International Convention for the Prevention of Pollution of the Sea by Oil.

Section 17(c)(2) would provide a civil penalty against the owner or operator of a vessel, except a public vessel, and against the vessel of up to $10,000 where there is a willful or negligent discharge of oil or matter in substantial quantities from such vessel. No penalty can be assessed unless the owner or operator or vessel is given notice and an opportunity for a hearing. Each violation is a separate offense. The penalties will be assessed by the Coast Guard. In determining the amount of the penalty or in compromising the penalty, the Coast Guard must take into consideration the size of the business, the ability of the owner or operator to continue in business, and the gravity of the violation. Provision is made for withholding clearance of the vessel until the penalty is paid and for the filing of bonds or other sureties. The penalty will constitute a lien

on the vessel which may be recovered in an action in rem.

Section 17(d)(1) would require that the United States remove or arrange for the removal of any oil or matter discharged into any waters, shorelines, or beaches, when in the judgment of the Secretary of the Interior, such discharged oil or matter presents an actual or threatened pollution hazard without regard to any question of fault. Under this section, the United States would only exercise this authority if the United States determines that the owner or operator or a vessel or facility has not made adequate arrangements for removal of the oil or matter as required by this legislation.

Section 17(d)(2) would authorize the United States, in the case of a marine disaster within the navigable waters of the United States which has created a substantial threat of a pollution hazard because of an actual or imminent discharge of oil or matter from the vessel, to coordinate and direct public and private efforts in the removal or alleviation of the threat, and to remove summarily and if necessary destroy the vessel by whatever means are available. The expense of removing the vessel shall be charged against the vessel's cargo and the owner or operator where it is shown that negligent operation of the vessel caused or contributed to the marine disaster. If the owner or operator fails to reimburse the United States of such expense within a specified time, the United States may sell the vessel or its cargo, and deposit the proceeds in the revolving fund established by this section.

Section 17(e)(1) would require that the owner or operator of a vessel who willfully or negligently discharges or permits or causes or contributes to the discharge of oil or matter into the navigable waters of the United States or adjoining shorelines or beaches, or into the waters of the contiguous zone, immediately remove the discharged oil or matter in accordance with the regulations prescribed by this section. In any case where the United States removes the oil or matter, the vessel and the owner or operator shall be liable to the United States for the cost thereof. The liability to the United States, however, with respect to each offending vessel and the owner or operator of each offending vessel shall not exceed $10 million or $100 per gross registered ton, whichever is the lesser amount. This limitation on liability is intended to be the only limitation on liability for discharge of oil or matter under this section, notwithstanding any other provisions of law. This section would provide for the withholding of clearance of a vessel until these costs are paid and for posting of bonds or other sureties. It also provides for the establishment of a maritime lien on the vessel which may be recovered in an action in rem.

This section would also authorize the United States to bring an action against the owner or operator in any court of competent jurisdiction to recover such costs. The United States shall also have a cause of action against any other owner or operator or vessel whose willful act or negligence was found to cause or contribute to the discharge of the oil where there has been a collision or other casualty.

Section 17(e)(2) would provide that, in case of any action instituted by the United States to recover its cost of cleanup and certain penalties under this section, the evidence of a discharge of oil or matter shall constitute a prima facie case of liability to the United States on the part of the owner or operator of the vessel or the person owning or operating an onshore or offshore facility. The burden of rebutting such prima facie case would be on the owner or operator or person as appropriate. This burden, however, shall not affect any rights which such owner or operator or person may have against other vessels or facilities or owners or operators or persons whose willful act or negligence may in some way have caused or contributed to the discharge.

Section 17(f)(1) would require that any person who owns or operates an onshore facility other than a Federal- or State-owned facility and who willfully or negligently discharges or permits the discharge of oil or matter into any waters must immediately remove the oil or matter in accordance with the regulations prescribed under this section.

Section 17(f)(2) would require that any person who owns or operates an offshore facility other than a Federal or State facility which is located within the seaward boundaries of a State as defined in the Submarginal Lands Act of 1953, and who willfully or negligently discharges or permits the discharge of oil or matter from such facility into any waters or shorelines or beaches, must immediately remove the oil or matter under the regulations prescribed under this section.

Section 17(f)(3) would provide that if the United States removes oil or matter discharged from any onshore or offshore facility just mentioned, the person who owns or operates the facility shall be liable to the United States for the cost incurred therein provided that such liability shall not exceed $8 million. The Secretary shall establish by regulation, in consultation with the Secretary of Commerce and the Small Business Administration, reasonable and equitable classifications of onshore facilities and activities and apply with respect to such classifications differing limits of liability which may be less than such $8 million limitation and none of which shall be in excess of $8 million. The classifications would take into account the types of businesses and other facilities affected. The provisions of section 17(f)(3) shall not apply to any onshore facility until it comes within the classification established by the Secretary. The Secretary's classification, however, shall not be established until the expiration of at least 60 days after notification to the Congress of such intended classification.

Section 17(f)(5) would provide that the provisions in section 17(f) relative to the imposition of any requirement or liability limitations on onshore or offshore facilities with respect to the discharge of oil or matter into any waters within the jurisdiction of a State shall not be considered as an attempt to preempt the authority of the State or any political subdivision thereof to impose additional requirements on such facilities.

Section 17(g)(1) would require that within 60 days after the enactment of this section the Secretary of the Interior must issue regulations establishing environmental quality criteria relative to methods and procedures of removing discharged oil and matter and that the Coast Guard must by regulations establish procedures, methods, or equipment consistent with such regulations for the removal of such discharged oil or matter. The objective of these regulations would be to insure that the waters, beaches, and shorelines, including the marine environment, will not be damaged through the use of harmful chemicals or other materials. This section would also provide for the issuance, by the Coast Guard of regulations establishing procedures, methods, and equipment to prevent discharges of oil from vessels, within 60 days after enactment. These regulations may be revised from time to time.

Section 17(g)(2) would establish civil penalties for the violation of any regulations issued under subsection 17(g)(1) relative to the removal of discharged oil or matter. Each violation would be a separate offense and the Coast Guard would assess the penalty and other compromise. The penalty shall not be assessed until notice and an opportunity for a hearing have been given. In order to collect the penalty finally, the United States would have to file a civil action in the U.S. district courts which will provide a de novo proceeding.

Section 17(h)(1) of the bill would establish a revolving fund in the Treasury to be administered by the Coast Guard of not to exceed $20 million and authorize appropriations in that amount to the fund as well as the depositing of other revenues received by the United States under this section 17 of the act. Sums deposited into the fund shall be available to reimburse a State or political subdivision thereof that assists in the removal of any discharged oil or matter. The moneys in the fund shall be available until expended.

Section 17(h)(2) would provide for the delegation by the President within 90 days after the enactment of this section of the authority for the United States to remove discharged oil or matter to the Coast Guard or to the Secretaries of Defense or Interior or other Federal agencies in accordance with any national contingency plan or revision thereof which has been approved by the President, including regional contingency plans. Each agency to which this authority is delegated will be able to utilize the personnel, services, and facilities of other Federal and State agencies.

Section 17(h)(3) would authorize the Secretary of the Interior to issue regulations in consultation with the Coast Guard permitting discharges of oil or matter under such conditions as he may prescribe and at time and locations deemed appropriate by him.

Section 17(h)(4) would provide that the provisions prohibiting discharges of oil or matter from vessels and the regulations issued under section 17(g) of this section shall be enforced by the Coast Guard and that the Coast Guard may utilize the services of other Federal and State agencies in carrying out these provisions.

Section 17(h)(5) would authorize the Coast Guard to board and inspect facilities and to make arrests in connection with any violations of this act.

Section 17(h)(6) would provide for the bringing of actions in certain courts where violations have occurred in Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

Section 17(i) would provide that the provisions of section 17 shall not affect or modify the obligations of any owner or operator of any vessel or onshore or offshore facility under other provisions of law for damages to public or privately owned property which might occur as a result of a discharge of oil or matter or as a result of actions taken in the removal of such discharges.

Section 17(j) would provide that the provisions of section 17 shall not be construed as authorizing either the Secretary of the Interior or the Coast Guard to regulate the operations or construction of any onshore or offshore facility. This section also would provide that the provisions of section 17 shall not be construed as affecting or modifying any other existing authorities of either Secretary relative to such facilities under this act or any other provision of law.

Section 17(k)(1) would provide that any vessel over 100 gross registered tons which uses any port or place in the United States or the navigable waters of the United States for any purpose must establish evidence of financial responsibility to meet the maximum potential liability to the United States which the vessel could be subjected to for the willful or negligent discharge of oil or matter under this section. The financial responsibility should be established pursuant to regulations to be prescribed from time to time by the agency head to which the President has delegated this responsibility. Financial responsibility may include insurance policies, bonds, evidence of self-insurance, or evidences of such responsibility that the agency head deems appropriate. All bonds filed must be issued by a bonding company authorized to do business

in the United States. Provisions of financial responsibility also apply to barges that are equivalent in size to vessels over 100 tons.

Section 17(k)(2) would provide that the financial responsibility provisions of section 17(k)(1) shall become effective 1 year after enactment of this section. The President is required to delegate this responsibility to the appropriate agency head within 60 days after enactment. In addition, the necessary regulations to implement this section must be issued within 6 months after the effective date of the section.

Section 17(k)(3) directs that the Secretary of Transportation, in consultation with the Secretaries of Interior, State, Commerce, and other Federal agencies such as the Small Business Administration and representatives of various industries such as the merchant marine, oil, and insurance industries and other interested persons conduct a study relative to other measures to provide financial responsibility and limitations of liability with regard to vessels and measures to provide financial responsibility for onshore and offshore facilities, and finally measures relative to the limitations of liability on such facilities in relation to the cost of removing discharged oil or matter and the payment of all damages that may result from the discharge of oil or matter and from the removal of the discharges. The study is to be completed by January 1, 1971, and a report sent to the Congress with appropriate recommendations, including legislative recommendations.

Senate amendment

Section 102 of the Senate amendment would, among other things, add to the Federal Water Pollution Control Act a new section 12 relating to control of oil discharges.

The new section 12 is concerned with the control and cleanup of oil discharges into inland waters of the United States and waters of the U.S. territorial seas, and in the case of vessels, into the waters of the 9-mile zone contiguous to the territorial sea. It does not apply to discharges from offshore facilities covered by leases and regulations under the Outer Continental Shelf Lands Act, but does not in any way affect claims to persons or agencies damaged by such discharges.

Section 12(a) would define the various terms used in the section.

The definition of "oil" is very broad, and only specifically excludes dredged spoil.

The definition of "discharge" is designed to cover by its broad terms all possible means of fouling the waters with oil.

The definition of a "vessel" is identical to that in section 3, Title 1, United States Code, and would include all vessels, both foreign and domestic.

The definition of the term "public vessel" would cover Federal- and State-owned and operated vessels and vessels owned and operated by a foreign country, except those not engaged in commerce.

The definition of "United States" includes Guam, America Samoa, the Virgin Islands, Puerto Rico, the Canal Zone, and the Trust Territory of the Pacific Islands, as well as all the States and the District of Columbia.

The definition of "owner and operator" would include individuals or organizations, such as a corporation, association, firm, or partnership, that own, operate, charter by demise, a vessel, or own or operate an onshore or offshore facility.

The definition of a "contiguous zone" is the zone established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone (TIAS 5639).

The definition of "onshore and offshore facilities" distinguishes between drilling and production facilities and other facilities. Drilling and production facilities and related appurtenances, such as pipelines, platforms, barges used for drilling purposes, etc., are those that are used or capable of being used solely for the purpose of exploring for, drilling, or producing oil. The other facilities are those that are used or capable of being used to process, transport, or transfer oil, or to store oil commercially. Neither definition applies to individual homes where oil is stored, or small businesses other than marine facilities which are used or capable of being used to store 500 barrels of oil or less. Few existing or planned service stations have a storage capacity of more than 500 barrels. In either case, the facility could be located either permanently or temporarily on dry land or land under the navigable waters of the United States which includes inland waters and coastal waters out to the 3-mile territorial sea limit.

The definition of an "act of God" means an act occasioned exclusively by violence of nature without the interference of any human action.

Section 12(b)(1) would prohibit all oil discharges into U.S. waterways and the water of the contiguous zone from any source, except where permitted under a 1954 convention, and where permitted by regulations issued by the President. Such regulations must be consistent with maritime laws and regulations and water quality standards.

Section 12(b)(2) would authorize a civil penalty for knowingly violating the regulations promulgated under the previous section. If payment is not forthcoming administratively, such penalty may be collected in the Federal district court in a de novo proceeding.

Section 12(c) would require any person in charge of a vessel or an offshore or onshore facility at the time of a discharge of oil into the navigable waters of the United States or into the waters of the contiguous zone to notify immediately the United States. This section would also provide a criminal penalty for any person in charge of such vessel or facility who knowingly fails to notify the United States. The term "person in charge" is deliberately designed to cover only supervisory personnel who have the responsibility for the particular vessel or facility and not to include other employees. The purpose of the notice provision is to prevent or mitigate damage and facilitate cleanup. Such notice and information contained therein may not be used in any criminal action under Federal or State laws.

Section 12(d)(1) would direct the President to issue regulations to govern the removal of oil which is discharged, aid in the enforcement of this section, prevent oil pollution, and establish criteria for oil removal contingency plans. The regulations will also cover procedures to review and approve, where appropriate, such plans of owners or operators as well as public agencies.

Section 12(d)(2) would authorize a civil penalty for violating the above regulations. If payment is not forthcoming administratively, such penalty may be collected in the Federal district court in a de novo proceeding.

Section 12(e) would require that when oil is discharged in violation of section 12(b) the oil must be removed immediately under the above regulations. It would provide, if the discharger fails, or is unable to act to remove the oil, authority for the President may take appropriate measures to remove the oil either directly or by contract. If the discharger acts improperly the President could also act to remove the oil.

Section 12(f) would limit the liability of a vessel owner or operator for the cost of removal of discharged oil by the United States to up to $125 per gross ton of the vessel, or $14 million, whichever is less. This limitation, however, would not apply if the discharge was the result of a negligence or a willful act on the part of the owner or operator or his agents, employees, etc. In such case, the owner or operator would be liable for all costs of removal borne by the United States. The owner or operator may not be held liable, however, for these costs if he can prove the discharge was caused solely by an act of God or war or negligence of the U.S. Government or any act of a third party.

Section 12(f)(2) would provide that any vessel over 300 gross tons which uses any port or place in the United States or the navigable waters of the United States for any purpose must establish evidence of financial responsibility of $100 per gross ton to meet the maximum potential liability to the United States which the vessel could be subjected to for the discharge of oil under section 12(f)(1). The financial responsibility should be established pursuant to regulations to be prescribed from time to time by the agency head to which the President has delegated this responsibility. Financial responsibility may include insurance policies, bonds, evidence of self-insurance, or evidences of such responsibility that the agency head deems appropriate. All bonds filed must be issued by a bonding company authorized to do business in the United States. Provisions of financial responsibility also apply to barges that are equivalent in size to vessels over 300 tons.

Section 12(g) would require that a person in the United States be designated for service of process in matters arising under section 12.

Section 12(h) would direct that the Secretary of the Treasury withhold clearance of a vessel, other than a public vessel, that is liable for any costs or penalties to the United States under section 12 or has failed to meet the requirements for financial responsibility.

Section 12(i)(1) would limit the liability of an owner or operator of a nondrilling-production facility to the United States for the cost incurred in removing discharged oil to $125 per ton of oil which such facility is capable, while operating at maximum capacity, of either processing, transporting, transferring in any 24-hour period, or storing in its largest unit. The limitation, however, would not apply if the discharge was the result of negligence or a willful act of the owner or operator, his agent, or any employee thereof. Also, the owner or operator would not be liable for such costs if he is able to prove that the discharge was caused solely by an act of God or war, or solely by negligence of the U.S. Government or solely by an act of a third party. In determining the amount of the liability, the owner or operator would be required to establish conclusively the capacity of the facility.

Section 12(i)(2) would establish the liability of an owner or operator to the United States for oil discharges from an onshore or offshore drilling-production facility of not to exceed $8 million. This limitation, however, would not apply if the discharge was due to a negligent or willful act on the part of the owner or operator, his agent, or any employee thereof. The owner or operator would not be responsible for costs where he can prove that the discharge was caused solely by an act of God or war or solely by the act of a third party or solely by negligence of the U.S. Government.

Section 12(j) provides that in any instance where the owner or operator removes the discharged oil and he is subsequently able to prove in a suit brought against the United States in the Court of Claims that the discharge was caused solely by an act of a third party or an act of God or war or by negligence on the part of the U.S. Government, the owner or operator is entitled to recover such costs from the fund established under section 12(k). If the discharge was caused solely by an act of a third party, the United States shall be subrogated to any rights that the owner or operator may have against such third party. This section does not apply to cases where liability is established under the Outer Continental Shelf Lands Act. The United States, of course, would have normal rights of appeal.

Section 12(k) would authorize the President to delegate his functions under section

12 to one or more appropriate Federal agencies. It would authorize a revolving fund. The maximum amount in the fund from appropriations would be $50 million.

Section 12(l) would establish that the provisions of section 12 are not intended to affect the rights of an owner or operator or the U.S. Government against third parties who may have caused or contributed to an oil discharge.

Section 12(m) would grant enforcement authority in carrying out provisions of section 12.

Section 12(n) would authorize the United States in cases where the President determines that there is an imminent and substantial threat to the public health or welfare, because of an actual threat or discharge of oil into the navigable waters of the United States from a vessel, to take immediate possession of the vessel and such other action that may be appropriate. Any expenses incurred by the United States could be recovered subject to the same limitations found in sections 12 (f) and (g).

Similarly, the President under the same conditions may require that the U.S. attorney seek relief to abate any actual or threatened discharge of oil from any onshore or offshore facility.

Section 12(o) would provide jurisdiction in the Federal district courts and in various other district courts relative to Guam, the Virgin Islands, American Samoa, Trust Territory of the Pacific Islands, and the Canal Zone.

Section 12(p) would provide that the provisions of section 12 shall not be construed as affecting or modifying any other existing authorities under the Federal Water Pollution Control Act, as amended, or any other Federal law or any State or local law not in conflict with the provisions of section 12.

Section 12(q) would provide that section 12 will not affect or modify the obligations of any owner or operator for damages to persons or property resulting from the discharge of oil or from the removal of such oil.

Conference substitute

Section 102 of the conference substitute would add a new section 11 to the Federal Water Pollution Control Act. This proposed new section 11 deals solely with the control of pollution by oil.

Subsection (a) contains definitions. The definitions of "oil", "discharge", "vessel", "public vessel", "United States", "person", and "contiguous zone" are essentially identical with those definitions in the House bill. The definition of the term "owner or operator" would provide in the case of a vessel that it is the person owning, operating, or chartering by demise, and in the case of an onshore or offshore facility, it is the person owning or operating such facility, and in the case of an abandoned offshore facility, it is the person who owned or operated the facility immediately prior to its abandonment.

As a result of this definition, if an offshore facility has been abandoned by its former owner, and thereafter discharges oil in violation of this section, such former owner would be responsible under the provisions of this act for such subsequent discharge. The definition of the term "remove" or "removal" has been clarified to include specifically public or private property, shorelines, and beaches. The definition of "onshore facility" means any facility (including motor vehicles and rolling stock) of any kind located in, on, or under any land within the United States other than submerged land. Thus, it is made clear that tank trucks and railroad tank cars are included in the definition as well as all other facilities such as storage tanks or refineries from which oil could be discharged into the waters in question. The definition would not include, however, facilities which are built upon any submerged lands in the United States.

The definition of "offshore facility" means any facility of any kind located in, on, or under any of the navigable waters of the United States other than a vessel or public vessel. This would include offshore drilling rigs as well as all other offshore facilities within the navigable waters of the United States which, in the case of the coastal waters would extend to the seaward boundaries of the States within the meaning of the Submerged Lands Act. The term "act of God" is defined to mean an act occasioned by an unanticipated grave natural disaster. This definition varies from that of the Senate definition and, under this definition, only those acts about which the owner could have had no foreknowledge, could have made no plans to avoid, or could not predict would be included. Thus, grave natural disasters which could not be anticipated in the design, location, or operation of the facility or vessel by reason of historic, geographic, or climatic circumstances or phenomena would be outside the scope of the owner's or operator's responsibility. The definition of the term "barrel" is established at 42 U.S. gallons at 60° F.

Paragraph (1) of subsection (b) is a declaration of policy by Congress that there ought not be discharges of oil into or upon the navigable waters, adjoining shorelines, or the waters of the contiguous zone.

Paragraph (2) of subsection (b) prohibits the discharge of oil in the navigable waters, adjoining shorelines, or the waters of the contiguous zone, in harmful quantities as determined by the President under paragraph (3) with two exceptions: (A) discharges into the waters of the contiguous zone where permitted under article IV of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended, and (B) where permitted in quantities at times and locations or under circumstances or conditions which the President by regulations determines not to be harmful. The President's regulations are required to be consistent with maritime safety, marine navigation laws and regulations, and applicable water quality standards.

Paragraph (3) of subsection (b) requires the President, by regulations to be issued as soon as possible, to determine for the purposes of this section those quantities of oil the discharge of which will be harmful to the public health or welfare of the United States, including fish, shellfish, wildlife, and public and private property, shorelines, and beaches with the exception that, in the case of oil discharged in the contiguous zone, only those discharges which threaten the fishery resources of the zone or threaten to pollute or contribute to the pollution of the territory or territorial sea of the United States may be determined to be harmful.

Paragraph (4) requires anyone in charge of a vessel or of an onshore or offshore facility, as soon as he has knowledge of any discharge of oil from that vessel or facility in violation of this section, to immediately notify the appropriate U.S. agency. Failure to do so subjects such person to a fine of not more than $10,000 or imprisonment for not more than a year, or both. This notification, however, is not to be used against any such person in any criminal case other than one for perjury or giving a false statement.

Paragraph (5) of this subsection imposes a civil penalty on the owner or operator of a vessel or onshore or offshore facility from which oil is knowingly discharged in violation of this section. This penalty is not to exceed $10,000 and is not to be assessed unless the owner or operator charged has been given notice and opportunity for hearing. Each violation is a separate offense, and the civil penalty may be compromised by the Secretary. The Secretary of the Treasury is required to withhold clearance from port of any vessel the owner or operator of which is subject to the foregoing penalty. Clearance may be granted upon filing of a bond or other satisfactory surety.

Paragraph (1) of subsection (c) authorizes the President to act to remove or arrange for the removal of any oil discharged into the navigable waters, adjoining: shorelines, or the waters of the contiguous zone. If he determines the removal will be properly done by the owner or operator of the vessel or facility from which the discharge occurs, he may permit them to do so. The conferees wish to make it clear that the basic responsibility for necessary cleaning up in these situations is placed upon the President. This is not to be construed to inhibit it or prevent any owner or operator from undertaking whatever action is necessary to contain or remove an oil discharge.

Paragraph (2) of subsection (c) would require the President, within 60 days, to prepare and publish a National Contingency Plan for the removal of oil. The Plan shall provide for efficient, coordinated, and effective action to minimize damage from oil discharges, including containment, dispersal, and removal of oil. The Plan is to include (A) assignment of duties and responsibilities, (B) identification, procurement, maintenance, and storage of equipment and supplies, (C) establishment of a strike force and emergency task forces, (D) a system of surveillance and notice, (E) establishment of a national center to coordinate and direct operations, (F) procedures and techniques to be employed in identifying, containing, dispersing and removing oil, and (G) a schedule identifying dispersants and other chemicals that may be used in carrying out the plan, the waters in which they may be used, and quantities which may be safely used. In the case of a dispersal, chemical or waters not specifically identified in the schedule, the President or his delegate may on a case-by-case basis, identify the dispersant or chemicals which may be used, the waters in which they may be used, and the quantities which may safely be used. The plan may be revised from time to time. Once the plan is published, however, removal of oil and actions to minimize damage therefrom shall, to the greatest extent possible, be in accordance with the plan.

The President is given general authority by subsection (1) of this section to delegate his responsibilities under this section. It is the hope of the conferees that with respect to the provisions of subsection (c)(2) (C) and (D) such responsibilities will be delegated to the Coast Guard and with respect to subsection (c)(2)(G) such responsibilities will be delegated to the Secretary of the Interior.

Subsection (d) provides authority for the United States to remove, and if necessary, to destroy vessels in cases where they pose a substantial threat of a pollution hazard through the discharge of oil. This is almost identical to the equivalent provision in the House bill with the exception that in lieu of the House provision making the expense of removal a charge against the vessel, its cargo, and owner and permitting the sale thereof, there has been substituted a provision from the Senate amendment which states that the expense incurred under this subsection will be deemed to be a cost incurred by the United States in the removal of oil for the purposes of liability under subsection (f) of this section.

Subsection (e) authorizes the President when there is an imminent and substantial threat to the public health and welfare because of an actual or threatened discharge of oil from an onshore or offshore facility to require the U.S. attorney for the district where the threat occurs to secure such relief as may be necessary to abate the threat, and the district courts of the United States are given jurisdiction to grant such relief as the public interest and equity may require.

Subsection (f) establishes the liability of owners and operators of vessels and on or offshore facilities for cleanup costs.

Paragraph (1) of subsection (f) provides that the owner or operator of a vessel from which oil is discharged in violation of subsection (b)(2) of this section shall be liable to the United States for actual costs incurred under subsection (c) for removal of that oil with a limit of liability of not to exceed $100 per gross ton of the vessel or $14 million, whichever is lesser. The owner or operator will have no liability if he can prove that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States, or (D) an act or omission of a third party whether or not negligent, or any combination of the foregoing clauses. Such owner or operator shall be liable without limitation if the United States can show that the discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner. These removal costs are to be a maritime lien on the vessel recoverable in an action in rem against the vessel and in addition the United States may bring an action against the owner or operator for these costs. The inclusion of specific language relating to the maritime lien and actions against the owner or operator are for the purposes of clarification only.

Paragraph (2) of subsection (f) provides that the owner or operator of an onshore facility is liable for actual costs for removal of oil discharged from that facility in violation of subsection (b)(2) of this section in an amount not to exceed $8 million. If such owner or operator can prove such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States, or (D) an act or omission of the third party whether or not negligent or any combination thereof, then such owner or operator shall have no liability. If the United States can show the discharge was a result of willful negligence or misconduct within the privity and knowledge of the owner, then the owner is liable for the full cost without limitation. The United States is authorized to bring an action against the owner or operator in any court of competent jurisdiction to recover these costs. Additionally the Secretary is authorized by regulation, after he has consulted with the Secretary of Commerce and the Small Business Administration, to establish classifications of those onshore facilities having a total fixed storage capacity of a thousand barrels or less which he determines do not present a substantial risk and apply with respect to these classifications differing limits of liability which may be less than the $8 million limit established statutorily by this paragraph.

Paragraph (3) of subsection (f) provides that the owner or operator of an offshore facility from which oil is discharged in violation of subsection (b)(2) of this section shall be liable to the United States for removal costs in an amount not to exceed $8 million. If such owner or operator can prove that the discharge is caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States, or (D) an act or omission of a third party whether or not negligent, or any combination thereof, then such owner or operator will have no liability. If the United States can show that the discharge was the result of willful negligence or misconduct within the privity and knowledge of the owner then he is liable for the full amount. The United States is authorized to bring an action against the owner or operator in a court of competent jurisdiction to recover these costs.

Subsection (g) of this section provides that in any case where an owner or operator of a vessel or of an onshore or offshore facility from which oil is discharged in violation of this section proves that the discharge is caused solely by an act or omission of a third party or solely by such act or omission in combination with an act of God, an act of war, or negligence on the part of the United States, then such third party shall be liable to the United States for the actual costs of removing the oil unless that third party can in turn prove that the discharge was caused solely by an act of God, and act of war, negligence on the part of the United States or the act or omission of another party or any combination thereof. If the third party is the owner or operator of a vessel which caused the discharge, then that third party's liability is limited to $100 per gross ton of such vessel or $14,000,000, whichever is the lesser. In any other case the liability of the third party is limited by that which would have been applicable to the owner or operator of the vessel or facility from which the discharge actually occurred if such owner or operator would have been liable. If the United States proves the discharge of oil was the result of willful negligence or misconduct within the privity and knowledge of the third party, then such third party shall be liable for the full amount of the removal costs. The United States is authorized to bring a suit in a court of competent jurisdiction to recover these removal costs.

Subsection (h) provides that the liability established by this section will not affect any rights which the owner or operator of the vessel or onshore or offshore facility may have against third parties whose acts in any way may have caused or contributed to the discharge of oil, or which the United States may have against any such party.

Paragraph (1) of subsection (i) authorizes an owner or operator from whose vessel or facility oil has been discharged and who voluntarily removes the oil in accordance with regulations to recover reasonable costs incurred in that removal in a suit against the United States in the court of claims if such owner or operator can prove that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States, or (D) an act or omission of a third party without regard to its negligence, or any combination of the foregoing.

Paragraph (2) of subsection (i) provides that this subsection will not apply where liability is established by regulations adopted under authority of the Outer Continental Shelf Lands Act.

Paragraph (3) of subsection (i) authorizes the payment from the revolving fund established in subsection (k) of this section of any judgment entered against the United States under this subsection.

Paragraph (1) of subsection (j) requires the President, as soon as practicable and consistent with the national contingency plan, and maritime safety, and marine and navigation laws, to establish methods and procedures for removal of discharged oil, to establish criteria for the development and implementation of local and regional oil removal contingency plans, to establish procedures, methods, and requirements for equipment to prevent discharges of oil from vessels and onshore and offshore facilities, and regulations governing the inspection of vessels carrying oil as cargo, including inspecting such cargoes all for the purpose of reducing the likelihood of discharges of oil from such vessels. This language is in very general terms, and it is the understanding of all of the conferees that under this authority the President would be authorized by regulation to require vessels and facilities to carry on board or otherwise have available materials and equipment determined necessary to prevent and to clean up oil discharges.

Paragraph (2) of subsection (j) provides for a civil penalty of up to $5,000 for each violation of the regulations issued under this subsection. Authority is granted the President to compromise these penalties.

Subsection (k) authorizes the establishment of a revolving fund in the Treasury of not to exceed $35 million to carry out the provisions of subsections (c) (relating to the removal of oil which has been discharged), (i) (relating to costs payable by the United States for removal by volunteers), and (l) (relating to the administration of the section generally), as well as section 12 of this act (relating to the removal of hazardous polluting substances). Any other funds received by the United States under this section are to be deposited in this fund. Moneys in the fund are to be available until expended.

Subsection (l) is general authority to the President to delegate the administration of this section to the heads of those departments, agencies, and instrumentalities which he determines to be appropriate. Any department, agency, or instrumentality in which functions are vested is to avoid duplication of effort and to utilize personnel, services, and facilities of other departments, agencies, and instrumentalities wherever appropriate.

Subsection (m) provides that any person authorized by the President to enforce this section may, except as to public vessels, board and inspect vessels, arrest violators, and execute warrants or other process issued by an officer or court of competent jurisdiction. It is the hope of the conferees that the responsibility for this subsection will be vested in the Coast Guard.

Subsection (n) vests the district courts of the United States with jurisdiction for actions brought under this section other than those specifically authorized in the Court of Claims by subsection (i)(1). It further designates in the case of territories and possessions which of the district courts such actions shall be brought in.

Paragraph (1) of subsection (o) provides that nothing in this section will affect or modify the obligations of an owner or operator of a vessel or facility from which oil is discharged to any other person or agency under any provision of law for damages resulting from that discharge or the removal of that oil.

Paragraph (2) of subsection (o) disclaims any intention of preempting any State or political subdivision from imposing any requirement or liability with respect to the discharge of oil into waters in that State. Thus, any State would be free to provide requirements and penalties similar to those imposed by this section or additional requirements and penalties. These, however, would be separate and independent from those imposed by this section and would be enforced by the States through its courts.

Paragraph (3) of subsection (o) insures that nothing in this section is to be construed as affecting or modifying any other existing authority of any Federal department, agency, or instrumentality relative to onshore or offshore facilities under this Act, or any other provision of law, or to affect any State or local law not in conflict with this section.

Subsection (p) is essentially the same as the equivalent provisions of the House bill relating to the financial responsibility of vessels except that where the House bill required vessels over 100 gross registered tons to establish evidence of financial responsibility, this provision requires vessels over 300 gross tons to do so and the limits of liability are specified to be the same as those contained in subsection (f)(1), that is, $100 a gross ton or $14 million, whichever is lesser. Additionally, this provision spells out in paragraph (3) that claims for costs may be brought directly against the insurer providing the evidence of financial responsibility and in such case the insurer shall be entitled to all of the rights and defenses available to the owner or operator. It is the hope of the conferees that responsibility for administering paragraph (1) of this subsection

will be vested in the Federal Maritime Commission. It is also the hope of the conferees that the marine insurance industry will modernize its coverage for protection of third parties without regard to the nature of the conduct of the insured.

Paragraph (4) of subsection (p) is essentially the same as the provisions of the House bill relating to a study of the need for other measures to provide financial responsibility and to limit liability on vessels and facilities subject to the provisions of this section. This report is to be submitted to Congress by January 1, 1971.

CONTROL OF HAZARDOUS POLLUTING SUBSTANCES

House bill

The House bill in the proposed new section 17 to the Federal Water Pollution Control Act, relating to pollution resulting from oil spills, provides that "matter" which is a defined term the substantial discharge of which presents an imminent and substantial hazard to public health or welfare can be cleaned up and liability can be assessed in the same manner and to the same extent and with the same penalties as are provided in the case of oil spills.

Senate amendment

The Senate amendment proposes a new section 13 to be added to the Federal Water Pollution Control Act providing with respect to controlling hazardous polluting substances a separate and distinct means for dealing with them.

This new section 13 is concerned with the identification, control, and cleanup of hazardous substances, other than oil.

Section 13(a)–(f) would direct the President to develop, promulgate, and revise regulations designating various hazardous substances, other than oil, which when discharged in any quantity into the navigable waters of the United States, or the waters of the contiguous zone, would present an imminent and substantial danger to the public health or welfare and establishing where appropriate, criteria for the removal of such substances. The development of these regulations must include consultation with various public and private agencies and organizations and individuals interested in such regulations. Where appropriate, public hearings could be held in developing the regulations. Consideration must also be given to the latest available scientific data, technical feasibility of the regulations, and experience gained under the Federal Water Pollution Control Act. Regulations would be published in the Federal Register as proposed regulations and interested persons would be given at least 30 days to comment thereon. At the end of that time the regulations may be finally promulgated unless an interested person has filed objections stating grounds therefor and requesting a public hearing on such objections. After the notice period, the objections must be published in the Federal Register by notice and a public hearing held as soon as possible thereafter. On completion of the hearing, the President must make findings of fact and he may promulgate such modification of regulations as appropriate or take other action as he deems appropriate. All findings must be made public.

Any person aggrieved by such regulation for which a hearing was held may within 60 days file a petition in the U.S. Court of Appeals for the District of Columbia requesting that the regulation be modified or set aside. The court must hear the appeal on the record made before the President and the substantial evidence rule shall apply to the findings of the President. The court may affirm, vacate, or remand the proceedings. The review afforded by this procedure in the Court of Appeals shall be exclusive as to the person seeking the petition and such person cannot raise the validity of the regulation in any subsequent procedure relating to the enforcement thereof. The filing of a petition does not stay the regulations unless the court so orders after finding that there is substantial likelihood that the President's findings are erroneous and that irreparable injury will result if the stay is not granted.

Section 13(g) would require that notice be given immediately to the United States upon the discharge of any hazardous substance from an onshore or offshore facility or a vessel in order to permit immediate action to remove or otherwise mitigate damage from the discharged substance. Criminal penalties apply for anyone who knowingly fails to so notify. Such notice and information contained therein may not be used in any criminal action under Federal or State law.

Section 13(h) would direct that the United States remove any discharged substance unless appropriate action is taken immediately by the discharger to remove the substance.

Section 13(i) would provide civil penalties for violation of regulation promulgated under section 13(a). If payment is not forthcoming administratively such penalties may be collected in Federal court in a de novo proceeding.

Section 13(j) would provide that section 13 will not affect or modify the obligations of an owner or operator for damages to anyone for damage to persons or property resulting from the discharge of a hazardous substance or from the removal of such substance.

Section 13(k) would provide enforcement authority in carrying out the provisions of section 13.

Section 13(l) would provide jurisdiction in the Federal district courts in case of any actions arising under section 13.

Section 13(m) would define various terms used in section 13 and make applicable the definitions of section 12(a) as to the terms, oil, discharge, vessels, public vessel, United States, person, contiguous zone, and act of God.

Section 13(n) would require that the President submit a report to the Congress by November 1, 1970, on the need for, and desirability of, legislation imposing liability for the cost of removal of hazardous substances. The report would be based on an accelerated study on the methods and measures for controlling substances, the most appropriate measures for enforcement, and the methods of imposing sanctions where removal is impossible or impractical.

Section 13(o) would authorize the President to delegate his responsibility to other Federal agencies. In addition it would make available for the purpose of section 13 the fund established under section 12 of the Act.

Conference Substitute

The conference substitute proposes to add a new section 12 to the Federal Water Pollution Control Act dealing with control of hazardous polluting substances. In general, this section is more nearly comparable to that proposed by the Senate amendment than to the House bill.

Section 12(a) would be the same as section 13(a) of the Senate amendment except that the President would be authorized to establish recommended methods and means for removing hazardous substances instead of establishing criteria therefor as provided in the Senate amendment.

Section 12(b) would apply the Administrative Procedure Act provisions as now contained in title V (other than the form of administrative proceeding provided in section 553(c)) in lieu of the detailed administrative proceedings and judicial review contained in the comparable Senate provisions.

Section 12(c) is essentially the same as section 13(g) of the Senate amendment except that the criminal penalty for failure to notify has been removed. This section does not contain the civil penalty provided in section 13(i) of the Senate amendment.

This section does not contain the authorities granted the President with respect to enforcement contained in sections 13(k) and 13(l) of the Senate amendment.

Section 12(g), relating to reports, with minor changes is essentially the same as section 13(n) of the Senate amendment.

Section 12(h) is essentially the same as section 13(o) of the Senate amendment.

CONTROL OF SEWAGE FROM VESSELS

House bill

Section 18 would provide for the control of sewage from vessels including foreign vessels using our waterways and commercial and recreational vessels.

Section 18(a) would define various terms used in the new section.

Section 18(b) would direct the Secretary of the Interior to promulgate Federal standards of performance for marine sanitation devices to be installed and operated on board vessels subject to this new section. The term "marine sanitation device" is defined to include equipment on board the vessel which is designed to receive, retain, treat, or discharge sewage. The standards must be consistent with maritime safety and other marine laws and regulations. In addition, the Coast Guard must also promulgate regulations governing the design, construction, installation, and operation of these devices on board these vessels.

Section 18(c) would provide that the initial standards and regulations will be effective for new vessels—that is, vessels constructed after such standards and regulations are promulgated—2 years after promulgation, but not earlier than December 31, 1971, and for existing vessels—that is, vessels constructed prior to promulgation of the standards and regulations—5 years after promulgation. Both Interior and Coast Guard, in issuing standards and regulations, may distinguish among classes, types, and sizes of vessels as well as between new and existing vessel. Both may exempt such vessels from the applicability of the standards and regulations for such periods of time as may be necessary and upon application for individual vessels. This waiver authority could be accomplished at the time the standards and regulations are promulgated.

Section 18(d) would provide that this new section and the standards and regulations issued thereunder would apply to vessels owned and operated by the United States unless the Secretary of Defense finds that such compliance would be contrary to the interests of national security. The regulations required by this section and the certifications required under section 18(g) of this section shall be promulgated and issued by the Secretary of Defense rather than by the Coast Guard.

Section 18(e) would require that before the standards and regulations are promulgated, the Secretary of the Interior and the Coast Guard will consult with other interested Federal agencies, the States, and appropriate representatives of the various industries affected and shall comply with the rulemaking provisions of title 5 of the United States Code, formerly known as the Administrative Procedures Act.

Section 18(f) would provide that once the initial standards and regulations are effective a State or a political subdivision thereof may not adopt or enforce any law or regulation governing the design, manufacture, or installation of any marine sanitation device on board any vessel subject to the Federal standards and regulations. The section would not, however, affect the State's authority to prohibit completely all sewage discharges from vessels in particular intrastate waters of the State, regardless of whether the sewage is treated or not. In such cases however, the State must also prohibit waste discharges from all other sources.

Section 18(g) would prohibit the sale or delivery into interstate commerce or importation into the United States of any marine sanitation device unless such device is in all material respects substantially the same as the test device certified by the Coast Guard under this section. The subsection would require the Coast Guard to certify upon application of each manufacturer of these devices if he finds that they meet the standards and regulations promulgated under this section. The Coast Guard would require the manufacturer to test the device in accordance with procedures set forth by the Secretary of the Interior as to performance or he shall test it himself. It would be up to the Coast Guard to determine if the results of the test are in accordance with the appropriate performance standards. If the Coast Guard finds that the device is satisfactory from the standpoint of safety and other requirements of maritime law or regulation, and after considering the design, installation, operation, and material, and other appropriate factors, he would certify it. Every manufacturer would be required to maintain records and provide such information as the Secretary or the Coast Guard may need to enable them to determine whether the manufacturer has acted or is acting in compliance with this section and regulations thereunder.

Section 18(h) would provide that after the effective date of standards and regulations promulgated by Interior and Coast Guard it shall be unlawful (1) to manufacture for sale vessels subject to the standards and regulations without a certified device; (2) for a vessel to operate on the navigable waters of the United States subject to the standards and regulations, if it is not equipped with an operable marine sanitation device; (3) to refuse Federal authorities access to records; and (4) to move or render inoperative, wrongfully, a certified device installed prior to sale or delivery to the ultimate purchaser.

Section 18(i) would authorize the district courts of the United States to restrain violations of subsections (h) (1) through (3) of this section.

Section 18(j) would establish civil penalties for violation of section 18(h) to be assessed by the Coast Guard. The maximum penalty against the manufacturer and dealer is $5,000 and against other persons violating 18(h)(4) $2,000. The penalty cannot be assessed until there is notice and an opportunity for a hearing.

Sections 18 (k) and (l) would provide that the enforcement of this new section would be carried out by the Coast Guard and that the Coast Guard may utilize the services, personnel and facilities of the Secretary of the Interior and other Federal agencies where appropriate.

Section 18(m) would provide jurisdiction in the courts of Guam and the Virgin Islands in the case of actions arising under this section. In the case of American Samoa and the Trust Territory of the Pacific Islands, these actions may be brought in the district court for the district of Hawaii.

Senate amendment

The new section 11 is concerned with the control of the discharge of sewage from vessels into the navigable waters of the United States.

Section 11(a) would define the various terms used in the section.

Section 11(b) would direct the Secretary of the Interior within two years after the effective date of this section to promulgate standards of performance for marine sanitation devices to prevent the discharge of untreated or inadequately treated sewage from all new and existing vessels equipped with installed toilet facilities. These standards must be consistent with maritime safety and other marine laws and regulations. The section would also direct the Coast Guard to promulgate regulations which govern the design, construction, installation, and operation of marine sanitation devices installed on board vessels subject to this section. The regulations must be consistent with the standards. This section would also exempt from such standards and regulations vessels equipped with a device installed pursuant to State requirements prior to the promulgation of such standards and regulations, until the device is replaced or unless it does not remain in compliance with the applicable State law.

Section 11(c) would provide that standards and regulations for new vessels become effective two years after promulgation. Standards and regulations for existing vessels would become effective five years after promulgation. Revisions thereof would be effective on date specified in such revisions. The Coast Guard may waive application of standards and regulations to various classes, types, and sizes of vessels for such periods as may be necessary and, upon application, waivers may be granted for individual vessels.

Section 11(d) would require compliance with Federal standards and regulations by public vessels of the United States, except where compliance conflicts with national security, as determined by the Secretary of Defense.

Section 11(e) would require that the Secretary and the Coast Guard consult with Federal and State agencies and other interested parties and comply with the provisions of section 553 of the United States Code (the Administrative Procedure Act) prior to promulgation of standards and regulations.

Section 11(f) would preempt State or local laws or regulations relative to the design, manufacture, installation, or use of marine sanitation devices on new or existing vessels for which such devices are required under section 11(c) after the Federal standards and regulations applicable to such vessels are effective. Such State laws and regulations could still continue in effect in the case of other vessels. Also, a State may prohibit all sewage discharges from all vessels into certain waters within its boundaries in order to implement applicable water quality standards.

Section 11(g) would prohibit the sale or delivery into commerce of a device, the prototype of which is not certified; establish procedures for certification; and provide for the maintenance of records.

Section 11(h) would provide that, after the effective date of standards and regulations, it shall be unlawful:

To manufacture, or distribute for sale, vessels, subject to Federal standards and regulations without a certified device;

To, wrongfully, remove or render inoperative a certified marine sanitation device installed prior to sale or delivery to the ultimate purchaser;

To refuse Federal authorities access to records; and

To operate a vessel subject to the standards and regulations if it is not equipped with an operable device.

Section 11(i) would give jurisdiction to the courts to restrain those who under section 11(h), unlawfully manufacture or distribute for sale vessels without a device, remove or render inoperative a device, or refuse access to records.

Section 11(j) would establish civil penalties in case of violations of section 11(h) to be assessed after notice and hearing by the Coast Guard. Civil penalties not paid after administrative proceedings may be collected by the United States in the Federal district courts in a de novo proceeding.

Section 11(k) would place the responsibility for enforcement in the Coast Guard with assistance by the Secretary of the Interior, other Federal agencies, or the States.

Section 11(l) would authorize the Coast Guard to inspect vessels in U.S. waters and issue and execute warrants.

Section 11(m) would grant jurisdiction to various courts in cases of actions arising under section 11.

Conference substitute

The proposed new section 13 of the Federal Water Pollution Control Act relates to control of sewage from vessels.

Section 13(a) contains the same definitions as section 11 of the Senate amendment with the following changes:

(1) The term "public vessel" is defined to mean a vessel owned or bareboat chartered and operated by the United States, by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce.

(2) The definition of "manufacturer" is the same as contained in the House bill.

(3) The term "discharge" is defined as including, but not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(4) The term "marine sanitation device" is defined as also including any process to treat sewage.

Section 13(b)(1) relating to the establishment of standards for marine sanitation devices is essentially the same as contained in the House bill. Language is included in the vessel pollution portion of the conference substitute for the purpose of assuring that unreasonable demands are not made on small recreational vessels, but that marine sanitation device performance standards would only be promulgated when our technology permits these standards to be practicable and reasonable, and the degree of treatment will be adequate. The exemption of vessels that do not have installed toilet facilities relieves a burden upon those vessel owners who otherwise could be driven out because of the lack of feasibility of installing toilet facilities and marine sanitation devices on certain types of vessels.

Section 13(b)(2) provides that any existing vessel equipped with a marine sanitation device on the date of promulgation of initial standards and regulations under this section which device is in compliance with such initial standards and regulations shall be deemed in compliance with this section until such time as the device is replaced or is found not to be compliance with such initial standards and regulations.

Section 13(c)(1) relating to the effective date of standards is the same as the House provision.

Section 13(c)(2) relating to differentiation and waiver is the same as the House provision with the exception that the Secretary of the department in which the Coast Guard is operating must consult with the Secretary of the Interior in distinguishing among classes, types, and sizes of vessels as well as between new and existing vessels; and, with respect to waiving applicability of standards and regulations as necessary or appropriate for such classes, types, or sizes, it is made clear that existing vessels equipped with marine sanitation devices on the date of promulgation of the initial standards required by this section are eligible for waiver of such standards.

Section 13(d) relating to federally owned vessels is essentially the same as the comparable provision of the House bill.

Section 13(e) relating to consultation with interested parties is the same as the provisions of the House bill.

Section 13(f) provides that after the effective date of the initial standards and regulations promulgated under this section no State or political subdivision thereof shall adopt or enforce any statute or regulation of any such State or political subdivision with respect to the design, manufacture, or installation or use of any marine sanitation device on any vessel subject to the provisions of this sec-

tion. Upon application by a State and, where the Secretary determines that any applicable water quality standards require such a prohibition, he shall by regulation completely prohibit the discharge from a vessel of any sewage whether treated or not into those waters of such State which are the subject of the application and to which such standards apply. The conferees expect there to be a wide dissemination of information of any such prohibition.

Sections 13 (g) through (m) relating to prohibitions and their enforcement are essentially the same as the equivalent provisions in the House bill.

AREA ACID AND OTHER MINE WATER POLLUTION CONTROL DEMONSTRATIONS

Conference substitute

The proposed new section 14 is the same as the equivalent provisions in both the House bill and the Senate amendment which are substantially identical.

POLLUTION CONTROL IN THE GREAT LAKES

Conference substitute

The proposed new section 15 is the same as the equivalent provisions in both the House bill and the Senate amendment which are substantially identical.

TRAINING GRANTS AND CONTRACTS

Conference substitute

Sections 16 through 19 of the conference substitute relating to training grants and contracts are essentially the same as the equivalent provisions contained in the House bill.

ALASKA VILLAGE FACILITIES

House bill

The House bill contains no provision relating to Alaska village safe water facilities.

Senate amendment

Title IV of the Senate amendment adds a new section 23 to the Federal Water Pollution Control Act entitled "Alaska Village Safe Water Facilities Act."

Sections 23 (b) and (c) are findings of fact and a declaration of policy to establish a special emergency program to provide safe water and hygienic sewage disposal facilities in Alaska villages presently without these facilities.

Section 23(d) authorizes the Secretary of the Interior to provide for the installation of whatever safe water and hygienic sewage disposal facilities are necessary to insure that there will be one such facility in each Alaskan village. These facilities are to be available for use by the general public, to be designed to assure year round operation, to provide clean water, shower bath facilities, sewage disposal, and facilities for washing clothes.

The section also provides the means for determining the location of these facilities, prohibits contributions toward the cost of construction from the users of such facilities, provides that local workmen shall be used, provides for local operation, and authorizes $5,000,000 for fiscal year 1970 and such sums as may be necessary thereafter for the next three fiscal years.

In addition, the Secretary is directed to conduct appropriate educational and informational programs to familiarize the residents of each community wherein such a facility is located as to the health advantages of full utilization of that facility. In addition, the Secretary is authorized to make grants for operation and maintenance of these facilities.

The Secretary is required to report to Congress annually on the results of this program. He is also directed to utilize the facilities of the Department of Health, Education, and Welfare to the fullest extent possible in carrying out the provisions of the section.

Conference substitute

The conference substitute proposes to add a new section 20 to the Federal Water Pollution Control Act entitled "Alaska Village Demonstration Projects".

This section would authorize the Secretary, in agreement with the State of Alaska, to carry out demonstration projects for central community facilities for safe water and the elimination or control of water pollution in native villages of Alaska without these facilities. These projects are to include provisions for safe water supply systems, toilets, bathing and laundering facilities, sewage disposal facilities, and similar facilities of that type. In addition, educational and informational facilities and programs relating to health and hygiene are authorized as part of the demonstration projects. The purpose of these demonstration projects is to assist in developing preliminary plans for providing these types of facilities for all native villages in Alaska.

In carrying out this section, the Secretary is to cooperate with the Secretary of Health, Education, and Welfare in order to utilize personnel and facilities of that department to the extent appropriate.

A report to Congress not later than January 31, 1973, is required.

There is authorized to be appropriated not to exceed $1,000,000 to carry out this new section.

It is the understanding of the conferees that these demonstration projects will not extend to the construction of facilities other than those which are centrally located and usable on a community-wide basis. Facilities for individual dwellings are not authorized under this section.

COOPERATION BY FEDERAL AGENCIES IN THE CONTROL OF POLLUTION

House bill

Section 3 of the House amends section 11 of the Federal Water Pollution Control Act to put into statutory terms the provisions of the President's Executive Order 11288 for the prevention, control, and abatement of water pollution by Federal activities, either directly or by contract. This section would require that every Federal agency having jurisdiction over any real property or facility shall take immediate and appropriate steps to insure compliance with applicable Federal, State, and local water quality standards and the purposes of the Federal Water Pollution Control Act in the administration of the property or facility. This section would recognize, however, that this requirement is subject to the availability of appropriations and the needs of the United States, but it is intended that every effort be made to carry out its directives and to seek the necessary appropriations to do so. In any summary of a conference made pursuant to section 10(d)(4) of the Federal Water Pollution Control Act, the Secretary must also include references to discharges which might cause or contribute to the pollution of any waters from Federal property of facilities and transmit a copy of his summary to the appropriate Federal agency head. Also, notice of any hearing under section 10(f) of the act shall be given to the Federal agency having jurisdiction over the property or facility involved and the finding and recommendations of the hearing board shall include references to the discharges from such Federal facility or property.

Section 11(b) would require that applicants, other than a Federal agency, seeking a Federal license or permit to conduct any activity of any kind or nature which may result in discharges into the navigable waters of the United States must provide the Federal licensing or permitting agency with a certification from the affected State or States or interstate water pollution control agency that there is reasonable assurance, as determined by that agency, that such activity will be conducted in a manner that will not reduce the quality of such waters below applicable Federal or State or local water quality standards. In any instance where the water quality standards have been promulgated by the Secretary of the Interior under section 10(c)(2) of the act or where a State agency or interstate agency lacks authority to provide such a certification, then the certification shall be obtained from the Secretary of the Interior. In any case where an activity requires two or more licenses or permits by a single Federal agency or multiple Federal agencies and the applicant receives a certification under this section in connection with any one of those licenses or permits, then any Federal agency considering an application for a subsequent license or permit for that same activity, such Federal agency may accept the first certification as meeting the requirements of this section if, after notice to the affected State or States or interstate agencies or to the Secretary, as appropriate, no written objection is made to the granting of such license or permit without a subsequent certification.

In addition, once a license or permit has been issued it may be suspended if a court of competent jurisdiction subsequently finds that such licensee or permittee is not in compliance with applicable water quality standards.

In any case where the actual construction of a facility for the conduct of any activity has been lawfully commenced prior to the effective date of this legislation, no certification shall be required under section 11(b) for a Federal license or permit issued after the effective date of this legislation to conduct such activity. Any license or permit issued without the certification, however, shall terminate at the expiration of 2 years following the effective date of this legislation unless prior to such termination date the licensee or permittee submits to the Federal licensing or permitting agency a certification as required under section 11(b).

This section prescribes that no Federal permit or license may be granted except in the manner just mentioned without a certification as prescribed by this section.

Senate amendment

Section 103 of the Senate amendment redesignates section 11 of the Federal Water Pollution Control Act as section 16 and substantially revises it.

Section 16(a) is similar to the present section 11 of the Federal Water Pollution Control Act as amended. The new section, however, would require that every Federal agency having jurisdiction over any real property or any facility or activity of any kind shall insure compliance with applicable water quality standards in the administration of the property, facility, or activity consistent with an approved plan for implementation. This section would also authorize appropriations to carry out this requirement.

Section 16(b) would require that when a Federal agency (1) issues a lease to any person for the use of any Federal property or facility or (2) contracts for the operation of such property or facility or (3) contracts for the entire operation of any non-Federal facility, such agency must insure compliance with the applicable water control quality standards and purposes of this Act in administering such lease or contract. When appropriate, a certification obtained under section 16(c) for a Federal license or permit shall be evidence of compliance with the water quality standards.

Section 16(c) applies to applicants for Federal licenses or permits to construct or operate any facility or to conduct any activity which may result in any discharge in the navigable waters of the United States. It does not apply to Federal agencies.

The section would require that the applicant for such Federal license or permit provide a certification from the State in which the discharge originates to the Federal licensing or permitting agency and notice thereof to the Secretary of the Interior, that there is reasonable assurance that the facility or activity will comply with applicable water quality standards. In appropriate cases, the certification would be obtained from an interstate water pollution control agency. Where water quality standards for interstate waters have not been approved or promulgated under section 10(c) of the Federal Water Pollution Control Act, as amended, the certification must be obtained from the Secretary of the Interior. The certifying agency has 1 year after receipt of application for certification to notify the applicant of such certification or of intent not to certify. After the Secretary of the Interior determines that the discharge may affect the applicable water quality standards of a State or States other than the certifying State, the Secretary must notify the other States within 60 days after receipt of the notice of an application for a license or permit. If such other States within 30 days after receipt of notification from the Secretary determine that the discharge will adversely affect its standards, they should notify the Secretary and the Secretary has an additional 30 days to review such determination. If upon such review he finds such adverse effect, the Secretary shall require that before the license or permit is issued that appropriate conditions be included to insure compliance with the standards.

No Federal license or permit can be granted without a certification and such conditions as the State, interstate agency or Secretary may reasonably require. These conditions could include, among other things, provision for suspension or termination of the license or permit for failure to comply with the standards.

If, in the case of discharge affecting States other than the State of origin and where the Secretary requires conditions that are more stringent than those of the State where the discharge originates, the applicant may request a hearing by the Federal licensing or permitting agency and such agency shall make findings on the conditions to be included in a license or permit. Such findings must be public and they shall not require conditions that are less stringent than those of the State where the discharge occurs. The licensing or permitting agency will, of course, provide an opportunity for the affected States and the Secretary to participate in such hearing and to appeal the findings in a Federal court within a reasonable time after the issuance thereof as provided in statute under which the license or permit is issued or under the Administrative Procedure Act.

The Federal licensee or permittee must provide the certifying State or, as appropriate, the interstate agency or the Secretary of notice of any changes in the facility or activity which may affect applicable water quality standards.

A certification for Federal license or permit for a particular facility or activity shall satisfy the requirement of certification for any later Federal license or permit necessary for such facility for activity unless, after receiving notice of an application for such later Federal license or permit, a State or the Secretary notifies such Federal licensing or permitting agency that there has been a change in the nature of the activity, the design of the facility, the natural characteristics of the waters into which the discharge will be made, or in the water quality standards applicable to such waters, and there is no longer reasonable assurance of compliance with water quality standards. In such instances a second certification will be required.

In the case of any Federally licensed or permitted facility or activity which is not required to obtain a Federal operating license or permit, the licensee or permittee must give the certifying State, or interstate agency, or the Secretary an opportunity to review the manner in which the facility or activity will be operated or conducted for the purpose of assuring compliance with water quality standards. This requirement would apply prior to the actual operation of the facility or activity. Upon receipt of notice from the certifying State, the interstate agency or the Secretary, that the operation will not comply with the standards, the Federal agency must suspend the license or permit until notice is received of reasonable assurance of compliance.

If, in any case, a Governor of a State or the Secretary notifies the licensing or permitting agency that the facility or activity has been found by a court to be in violation of the standards, such license or permit may be suspended or terminated, as circumstances require, by the Federal agency.

If actual construction of a facility has been begun under a Federal license or permit prior to the effective date of this section, no certification shall be required for any Federal operating license or permit for such facility issued within 3 years of such date. Any Federal operating license or permit issued during such 3-year period, however, without the benefit of the certification must be terminated after the end of the 3-year period unless, prior to that time, the licensee or permittee obtains a certification. If, in any case where there is a Federal license or permit application pending on the effective date of this section and where such license or permit is issued within 1 year of such date, a certification will not be required for 1 year following the issuance of license or permit. The license or permit, however, will terminate at the end of that year unless certification is obtained.

In the case of any activity which will affect water quality for which there are no applicable standards, no certification will be required. However, a Federal licensing or permitting agency, in such event, must impose, as a condition of any license or permit, a requirement that the licensee or permittee shall comply with the purposes of the Act.

If a State in which a discharge originates or the Secretary notifies a Federal agency that its licensee or permittee has received notice of the adoption of water quality standards applicable to such activity and has failed to comply with the standards, the Federal agency must after a period of time, suspend license or permit until notice is received that there is reasonable assurance of compliance.

Section 16(d) provides that section 16 of the Act is not to be interpreted in any way to affect the authority of any Federal agency pursuant to this Act or any other provision of law relative to compliance with water quality standards. The Secretary of the Interior is also directed to provide technical assistance as may be necessary to carry out the purposes of this Act.

Section 16(e) will authorize Corps of Engineers to permit the use of spoil disposal areas under its jurisdiction by a Federal licensee or permittee and to charge for such use. Moneys received would be deposited to miscellaneous receipts.

Conference substitute

Section 103 of the conference substitute redesignates existing section 11 of the Federal Water Pollution Control Act as section 21 and revises that section substantially as follows:

Section 21(a) would require each Federal department, agency, and instrumentality (hereafter referred to as a "Federal agency") having jurisdiction over any real property or facility or engaged in any Federal public works activity to insure compliance with applicable water quality standards and the purposes of the Federal Water Pollution Control Act in the administration of that property, facility, or activity, to the extent consistent with the paramount interest of the United States as determined by the President. The jurisdiction of a Federal agency referred to in this provision includes operations of the agencies carried on by lease and by contract and therefore would subject these lease and contract operations to the requirements of this subsection. In his summary of the conference pursuant to section 10(d)(4) of the Act, the Secretary is required to include reference to any discharges alleged to contribute to pollution from any Federal property, facility, or activity and to send a copy of that summary to the head of the Federal agency having jurisdiction thereof. Notice of a hearing pursuant to section 10(f) of the Act involving any pollution alleged to be caused by any such discharges shall also be given the Federal agency having jurisdiction over the property, facility, or activity involved and the hearing board's findings and recommendations shall include references to such discharges to the extent they are contributing to the pollution.

Section 21(b) requires any applicant for a Federal license or permit to conduct any activity (this includes constructing or operating facilities) which may result in any discharge into navigable waters of the United States to provide the licensing or permitting agency with a certification from the State in which the discharge originates or will originate or a certification from the interstate water pollution control agency having jurisdiction over the navigable waters at the point where the discharge originates or will originate if such a certification is appropriate from such interstate agency rather than from the State of origin. This certification must state that there is reasonable assurance as determined by the certifying State or interstate agency that the activity proposed to be licensed or permitted will be conducted in a manner which will not violate applicable water quality standards. The State is required to provide public notice with respect to all applications received by it for certification and, to the extent that the State determines it appropriate, to establish procedures for holding public hearings with respect to specific applications. If these standards have been promulgated by the Secretary, or, if a State or interstate agency has no authority to make such a certification, then the certification must be obtained from the Secretary. In order to insure that sheer inactivity by the State, interstate agency, or Secretary, as the case may be, will not frustrate the Federal application, a requirement, similar to that contained in the House bill is contained in the conference substitute that if within a reasonable period, which cannot exceed one year, after it has received a request to certify, the State, interstate agency, or Secretary, as the case may be, fails or refuses to act on the request for certification, then the certification requirement is waived. If a State refuses to give a certification, the courts of that State are the forum in which the applicant must challenge that refusal if the applicant wishes to do so. No Federal license or permit shall be granted unless this certification has first been obtained or there has been a waiver of the requirement as provided by this subsection. Denial of certification by a State, interstate agency, or the Secretary, as the case may be, results in a complete prohibition against the issuance of the Federal license or permit.

When a licensing or permitting agency receives an application and a certification, it must immediately notify the Secretary of the Interior thereof. Whenever such a discharge may affect the quality of the waters of any other State as determined by the Secretary, then the Secretary shall, within 30 days of the date he is notified of the application for the Federal license or permit, notify such other State, the licensing or permitting agency, and the applicant. If within

60 days thereafter the State so determined to be affected determines that the discharge will affect the quality of its waters so as to violate its water quality standards and within that 60-day period notifies the Secretary and the licensing or permitting agency of its objection to the issuance of the license or permit and requests a public hearing on its objection, such a public hearing shall be held by the licensing or permitting agency. At that hearing the Secretary of the Interior shall submit his evaluation and recommendations with respect to the objection to the licensing or permitting agency. Based upon the recommendations of the State, the Secretary, and any additional evidence presented at the hearing, the agency shall condition the license or permit so as to insure compliance with applicable water quality standards. If conditions cannot insure this compliance, the license or permit shall not be issued.

In the case where a Federal license or permit is required both as to the construction of a facility and its operation, the initial certification required for the construction license or permit shall fulfill the requirements of this subsection with respect to certification for a Federal license or permit to operate that facility unless the certifying State, interstate agency, or Secretary, as the case may be, after having been given notice of the application for an operating license or permit by the agency to whom the application is made notifies that agency within 60 days that there is no longer reasonable assurance of compliance with applicable water quality standards because of changes since the construction license or permit certification was issued in (1) the construction or operation of the facility, (2) the characteristics of the waters into which the discharge is to be made, or (3) the water quality standards applicable to those waters. This paragraph is made inapplicable if the applicant for the operating license or permit has not provided the certifying State, interstate agency, or Secretary, as the case may be, with notice of any proposed changes in the construction or operation of the facility which changes may result in violation of applicable water quality standards.

Before the initial operation of a federally licensed or permitted facility or activity with respect to which a certification has been obtained under this provision which facility or activity is not subject to a Federal operating license or permit, the licensee or permittee is required to provide an opportunity to the certifying State, agency, or Secretary, as the case may be, to review the manner of operation of the facility for the purposes of assuring that applicable water quality standards will not be violated. Upon notification by such certifying State, agency, or Secretary, as the case may be, that operation of this facility will violate applicable water quality standards, the Federal agency may, after public hearing suspend the license or permit until notification is received from the certifying State, agency, or Secretary, as the case may be, that there is reasonable assurance that the facility or activity will not violate applicable water quality standards. This right to review the manner of operation of a facility or activity is not to be construed as authority to the State, agency, or Secretary, as the case may be, to impose operational requirements with respect to that facility or activity.

If a judgment is entered under section 10(h) of the Act that a federally licensed or permitted facility or activity has been operated in violation of applicable water quality standards, then the Federal license or permit with respect to which a certification has been obtained under this provision may be suspended or revoked by the Federal agency issuing that license or permit.

No Federal agency is to be deemed to be an applicant for the purposes of this subsection.

If the actual construction of a facility has been lawfully commenced before the date of enactment of the Water Quality Improvement Act of 1970, then no certification is to be required for a license or permit issued thereafter to operate such facility except that if such a license or permit is issued without this certification it shall terminate at the end of three years from the date of enactment of the Act of 1970 unless before such date a proper certification is submitted to the licensing or permitting agency and the person having that license or permit otherwise meets the requirements of this subsection.

Except as provided in the preceding paragraph, an applicant for a license or permit pending on the date of enactment of the Water Quality Improvement Act of 1970, which license or permit is issued within one year after that date, will not require certification for a one-year period following the date of issuance of the license or permit except that that license or permit will terminate at the end of one year unless before that expiration date the licensee or permittee submits a certification and otherwise meets the requirements of this subsection.

In the case of any activity which will affect water quality for which there are no applicable standards, no certification will be required. However, a Federal licensing or permitting agency, in such event, must impose, as a condition of any license or permit, a requirement that the licensee or permittee shall comply with the purposes of the Act.

If a State in which a discharge originates or the Secretary notifies a Federal agency that its licensee or permittee has received notice of the adoption of water quality standards applicable to such activity and has failed to comply with the standards, the Federal agency must after a period of time, suspend license or permit until notice is received that there is reasonable assurance of compliance.

Nothing in this section is to be construed to limit the authority of any department or agency pursuant to any other provision of law to require compliance with applicable water quality standards. The Secretary of the Interior is also directed to provide technical assistance to carry out the purposes of this Act.

This section will also authorize the Chief of Engineers to permit the use of spoil disposal areas under his jurisdiction by a Federal licensee or permittee to charge for that use with the moneys received to be deposited in miscellaneous receipts of the Treasury. In considering the "public interest" the Chief of Engineers should take into consideration the necessity to maintain non-Federal dock and berthing facilities which are essential to the functioning of the Federal navigation project. In determining the needs and utilization of spoil disposal areas under the jurisdiction of the Chief of Engineers, he should give appropriate consideration to the related requirements of the non-Federal dredging activities and should consider their needs for disposal on the same basis as those of the Federal Government. Where local interests donates land, or shares in the costs of construction of spoil disposal areas, local interest should be permitted reasonable use of the area, utilizing the same standards as set forth in the two preceding sentences, at a nominal charge.

AWARDS FOR EXCELLENCE

House bill

The House bill in section 4 amends section 12 of the Federal Water Pollution Control Act to add a new subsection (f) which would authorize a program of officail recognition by the United States to industrial firms and political subdivisions which demonstrated excellence in their waste treatment and pollution abatement programs. Those industrial firms and political subdivisions granted such an award are to receive a certificate or a flag of suitable design. Notification of the award is to be published in the Federal Register.

Senate amendment

The Senate amendment contained no comparable provision.

Conference substitute

Section 104 of the conference substitute adds a new subsection (f) to redesignated section 22 of the Federal Water Pollution Control Act to authorize a program of official recognition by the United States to industrial organizations and political subdivisions which during the preceding year demonstrated either outstanding technological achievement or an innovative process, method, or device in their waste treatment and pollution abatement programs. The Secretary is to establish appropriate regulations for application for and granting of this award. No applicant is to be eligible if he is not in total compliance with all applicable water quality standards and does not otherwise have a satisfactory record with respect to environmental quality. The award is to be a certificate or plaque of suitable design, and notification of the award is to be published in the Federal Register.

RESEARCH, INVESTIGATIONS, TRAINING, AND INFORMATION

House bill

Section 5 of the House bill amends section 5 of the Federal Water Pollution Control Act by adding four new subsections and by extending the provisions authorizing appropriations for 2 additional fiscal years at the level of authorization provided for fiscal year 1969, that is $65 million.

Section 5(g) authorizes the Secretary to enter into contracts and grants with various individuals, agencies, and organizations, for research and development on the problems of lake eutrophication and other lake pollution problems.

Section 5(h) would authorize the Secretary to acquire lands and interests therein by purchase with appropriated or donated funds, by donation, or by exchange, lands or interests therein in connection with development of field laboratories, research facilities, and demonstration projects.

Section 5(i) would direct that the Secretary shall engage in research studies, experiments, and demonstrations by grant, contract, or otherwise, in the prevention and control of oil pollution, including the removal of oil discharges.

Section 5(j) would direct that the Secretary engage in a program of research, studies, experiments, and demonstrations by grants, contracts, or otherwise relative to the equipment which is to be installed on board a vessel and which is designed to receive, retain, treat, or discharge sewage from vessels with particular emphasis on equipment for use on recreational vessels. The Secretary is directed to file a report of his findings prior to the effective date of any standards to be established under section 18 of the Act.

Senate amendment

Section 104 of the Senate amendment would amend section 5 of the Federal Water Pollution Control Act by deleting the present subsection (g) relating to an estuary study and inserting that subsection as a new subsection in section 21 of the Act.

This section would also add a new subsection (g) to section 5 relating to the training of personnel to operate and maintain existing and future treatment works and related activities. Under this new program the Secretary will finance pilot programs of manpower development in training and retraining of people interested in entering, or who

are actually in the field of operation and maintenance of such works. The purpose of the program is to supplement, not supplant, other manpower training programs. The Secretary can carry out these programs directly or through joint ventures with the States and other public or private agencies.

The Secretary is also authorized to enter into agreements to develop and maintain an effective system for forecasting the needs of various occupational categories in the water pollution field.

The new subsection would authorize the Secretary, in carrying out the purposes of the Federal Water Pollution Control Act, to make grants and enter into contracts, establish and maintain research fellowships, and provide additional training in technical programs in the water pollution field. The Secretary is required to submit a report to Congress by September 30, 1970, summarizing actions taken under the new subsection; including information on the number of persons trained, categories for which training was provided, effectiveness of various training programs in this field, and provide estimates of the needs of this field.

This section would also add a new subsection (h) to section 5 to authorize the Secretary to enter into contracts and grants for research and development on problems of lake eutrophication and other lake pollution problems, including construction of publicly owned research facilities for that purpose.

This section would also add a new subsection (i) to section 5 to direct the Secretary to engage in research, studies, experiments, and demonstrations by grant, contract, or otherwise in the prevention and control of oil pollution, including the removal of oil discharges.

A new subsection (j) is added to section 5 to require the Secretary within two years to develop and issue to the States for the purpose of adopting standards pursuant to section 10(c), criteria reflecting the latest scientific knowledge useful in indicating the kind and extent of effects on health and welfare which may be expected from the presence of pesticides in the water in varying quantities. These criteria are to be revised from time to time. Further, the Secretary is required to conduct a study and investigation of methods to control the release of pesticides into the environment, including examination of persistency of pesticides and to report thereon within two years.

A new subsection (k) is added to section 5 which authorizes the Secretary to acquire lands and interests therein by purchase, with appropriated or donated funds, by donation, or by exchange, in connection with development of field laboratories, research facilities, and demonstration projects.

This section would also authorize appropriations to carry out provisions of this section except subsection (g) (1) and (2) at the current level of authorization which is $65 million for fiscal years 1970 and 1971. In the case of subsection (g)(1), the authorization would be $5 million for fiscal year 1970 and $7.5 million for the next fiscal year. In the case of subsection (g)(2), the authorization is $2.5 million for each of those fiscal years.

Conference substitute

Section 105 of the conference substitute amends section 5 of the Federal Water Pollution Control Act as follows:

(1) By relettering the last two subsections and inserting after subsection (f) new subsections (g) through (l).

(2) The new subsection (g) provides the same authority with respect to training of personnel as was provided by the Senate amendment in its amendment to section 5(g).

The new subsection (h) provides for the same authority with respect to lake eutrophication as was contained in the Senate amendment. It would authorize financial assistance for the construction of publicly owned research facilities by public agencies, including publicly owned universities.

The new subsection (i), relating to research on oil removal problems with the substitution of the requirement that the specifications be developed from time to time, rather than by June 30, 1970, and with other minor changes is the same as the Senate amendment in this regard.

The new subsection (j), relating to marine sanitation device research is essentially the same as the provisions contained in the proposed subsection (j) in the House bill.

The new subsection (k), relating to land acquisition, is essentially the same as the comparable provisions in both the House bill and Senate amendment.

The new subsection (l) is essentially the same as the proposed subsection (j) in the Senate amendment relating to pesticides with the exception that reference to criteria has been deleted, and the term "scientific knowledge" substituted therefor, and the requirement of making the study on pesticides has been placed in the President rather than the Secretary. The conferees expect that the Secretary will consult with the Secretary of HEW on the health aspects of pesticides and will avoid duplication of the research activities of the Department of HEW.

In addition, this provision would extend through fiscal year 1971 the $1,000,000 authorized for the estuarine studies authorized in redesignated subsection (m) and would extend through fiscal year 1971 the authorization of $65,000,000 per year for carrying out section 5 on research and would authorize for subsection (g)(1) training $5,000,000 for fiscal year 1970 and $7,500,000 for fiscal year 1971, and $2,500,000 per fiscal year for each of those two fiscal years for carrying out subsection (g)(2) training. The extension of the estuarial authorization is necessary in connection with the gathering of additional information which may be required as the result of hearings now being held by the Public Works Committee.

OIL POLLUTION ACT, 1924

The House bill, the Senate amendment, and the conference substitute all repeal the Oil Pollution Act, 1924.

FINANCING STUDY

House bill

Section 9 of the House bill authorizes a study by the Secretary of the Interior of the feasibility of all methods of financing the cost of preventing, controlling, and abating water pollution, the results to be reported to Congress by January 1, 1970, together with recommendations.

Senate amendment

The Senate amendment contains no comparable provision.

Conference substitute

Section 109 of the conference substitute authorizes this study, excluding from it, however, the methods already authorized by existing law and extending to December 31, 1970, the reporting date. The authorization of this study is not to be construed as a weakening of the congressional commitment to the financing methods for water pollution control programs now authorized by law.

NAME CHANGE

House bill

Section 10 of the House bill changes the name of the Federal Water Pollution Control Administration to the National Water Quality Administration.

Senate amendment

The Senate amendment contained no comparable provision.

Conference substitute

Section 10 of the conference substitute provides for changing the name of the Federal Water Pollution Control Administration to that of the Federal Water Quality Administration.

REIMBURSEMENT

Senate amendment

Section 106 of the Senate amendment amends section 8(c) of the Federal Water Pollution Control Act to specifically include in the provision relating to the reallotment of unused allocations language indicating that these can be used for the purpose of making reimbursements pursuant to the sixth and seventh sentences of section 8(c).

House bill

The House bill contains no comparable provision.

Conference substitute

Section 111 of the conference substitute amends section 8(c) of the Federal Water Pollution Control Act to include for the purpose of making reimbursement, those States having projects eligible for reimbursement pursuant to the sixth and seventh sentences of subsection (c) of section 8.

The conferees agreed that this is merely a clarifying amendment and the authority for these reimbursements is contained in existing law. However, for clarification purposes, the specific words are added to the law.

NAVIGATION

Senate amendment

Section 108 of the Senate amendment amends the second sentence of section 10(c)(3) of the Federal Water Pollution Control Act to add the word "navigation" after the word "industrial,", thus making consideration of the value and use of water for navigation a factor to be taken into account in the establishment of water quality standards.

House bill

The House bill contains no comparable provision.

Conference substitute

Section 112 of the conference substitute adds a new sentence to section 10(c)(3) of the Federal Water Pollution Control Act. The intent and purpose of this sentence is the same as that of the Senate amendment, that is to ensure that "navigation" will be considered in the same manner and to the same extent as the other enumerated classes in the establishment of standards. The conference substitute differs from the Senate amendment only in technique in order to avoid any possible misinterpretation of this provision.

ENVIRONMENTAL QUALITY

Senate amendment

Title II of the Senate amendment, consisting of five sections, relates to environmental quality.

Section 201 would cite this title as the Environmental Quality Improvement Act of 1969 and make certain congressional findings relative to the national policy set forth in specific statutes for the enhancement of environmental quality.

Section 202 would require each Federal agency conducting or supporting public works activity which affect the quality of the environment to implement the policies established by the President under this Act.

Section 203 would establish in the Executive Office of the President an Office of Environmental Quality.

Section 204 would direct that an advisory committee be established having a broad range of concern of population growth and environmental quality and planning for the future.

Section 205 would authorize appropriations to carry out the purposes of this title.

House bill

The House bill contains no comparable provision.

Conference substitute

Title II of the conference substitute relates to environmental quality.

Section 201 cites the title as the "Environmental Quality Improvement Act of 1970".

Section 201 makes certain congressional findings relating to the national policy set forth in existing statutes relating to environmental pollution, control, water, and land resources, transportation, and economic and regional development. It also finds that the primary responsibility for implementing this national policy rests with the State and local governments, and encourages the implementation of the policy through regional organizations.

The section declares that the purposes of the title are to assure that existing Federal departments and agencies conducting or supporting public works activities affecting the environment shall implement the policies established under existing law and to authorize an Office of Environmental Quality.

Section 203 establishes in the Executive Office of the President an Office of Environmental Quality. The Chairman of the Council on Environmental Quality is to be the Director of this Office. A Deputy Director is authorized to be appointed by the President by and with the advice and consent of the Senate, and his compensation is provided for. The Director is authorized to employ necessary personnel. These personnel would be employed in accordance with the general classification laws and paid in accordance with the General Schedule, except that authority is granted for the employment of not to exceed ten specialists and experts without regard to the provisions of law governing appointment and payment in the competitive service, with the further condition that no such specialist or expert shall be paid at a rate above that of the maximum for GS–18. The conferees expect a report to the Public Works Committee from the Council on Environmental Quality within 90 days after the date of enactment of this Act on their staff needs, in terms of numbers, grades, and functions of temporary and permanent staff personnel.

In carrying out his functions, the Director shall assist and advise the President on policies and programs of the Federal Government affecting environmental quality by—

(1) providing the professional and administrative staff and support for the Council on Environmental Quality;

(2) assisting the Federal agencies and departments in appraising the effectiveness of existing and proposed facilities, programs, policies, and activities of the Federal Government which affect environmental quality as well as those specific major projects designated by the President which do not require individual project authorization by Congress and which affect environmental quality;

(3) reviewing the adequacy of existing systems for monitoring and predicting environmental changes in order to achieve effective coverage and efficient use of research facilities and other resources;

(4) promoting the advancement of scientific knowledge of the effects of actions and technology on the environment and encourage the development of the means to prevent or reduce adverse effects that endanger the health and well-being of man;

(5) assisting in coordinating among the Federal departments and agencies those programs and activities which affect, protect, and improve environmental quality;

(6) assisting the Federal departments and agencies in the development and interrelationship of environmental quality criteria and standards established through the Federal Government;

(7) collecting, collating, analyzing, and interpreting data and information on environmental quality, ecological research and evaluation.

The Director in carrying out his functions is authorized to contract with public or private agencies, institutions, and organizations and individuals.

Section 204 provides for referral of the Environmental Quality Report to each standing committee of Congress having jurisdiction over any part of its subject matter.

Section 205 authorizes $500,000 for fiscal year 1970, $750,000 for fiscal year 1971, $1,250,000 for fiscal year 1972, and $1,500,000 for fiscal year 1973, in addition to the existing authorizations.

JOHN A. BLATNIK,
ROBERT E. JONES,
JIM WRIGHT,
GEORGE H. FALLON,
WILLIAM C. CRAMER,
WILLIAM HARSHA,
JAMES R. GROVER, Jr.,
Managers on the Part of the House.

APPENDIX A

CHANGES IN THE FEDERAL WATER POLLUTION CONTROL ACT PROPOSED TO BE MADE BY THE CONFERENCE SUBSTITUTE FOR H.R. 4148

For the information of the Members of the House of Representatives, changes in the Federal Water Pollution Control Act proposed to be made by the conference substitute for H.R. 4148, are known as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

FEDERAL WATER POLLUTION CONTROL ACT

AN ACT To provide for water pollution control activities in the Public Health Service of the Department of Health, Education, and Welfare, and for other purposes.

DECLARATION OF POLICY

SECTION 1. (a) The purpose of this Act is to enhance the quality and value of our water resources and to establish a national policy for the prevention, control, and abatement of water pollution.

(b) In connection with the exercise of jurisdiction over the waterways of the Nation and in consequence of the benefits resulting to the public health and welfare by the prevention and control of water pollution, it is hereby declared to be the policy of Congress to recognize, preserve, and protect the primary responsibilities and rights of the States in preventing and controlling water pollution, to support and aid technical research relating to the prevention and control of water pollution, and to provide Federal technical services and financial aid to State and interstate agencies and to municipalities in connection with the prevention and control of water pollution. The Secretary of Health, Education, and Welfare (hereinafter in this Act called "Secretary") shall administer this Act through the Administration created by section 2 of this Act, and with the assistance of an Assistant Secretary of Health, Education, and Welfare designated by him, shall supervise and direct (1) the head of such Administration in administering this Act and (2) the administration of all other functions of the Department of Health, Education, and Welfare related to water pollution. Such Assistant Secretary shall perform such additional functions as the Secretary may prescribe.

(c) Nothing in this Act shall be construed as impairing or in any manner affecting any right or jurisdiction of the States with respect to the waters (including boundary waters) of such States.

FEDERAL WATER POLLUTION CONTROL ADMINISTRATION

SEC. 2. Effective ninety days after the date of enactment of this section there is created within the Department of Health, Education, and Welfare a [Federal Water Pollution Control Administration] *Federal Water Quality Administration* (hereinafter in this Act referred to as the "Administration"). The head of the Administration shall be appointed, and his compensation fixed, by the Secretary. The head of the Administration may, in addition to regular staff of the Administration, which shall be initially provided from the personnel of the Department, obtain, from within the Department or otherwise as authorized by law, such professional, technical, and clerical assistance as may be necessary to discharge the Administration's functions and may for that purpose use funds available for carrying out such functions; and he may delegate any of his functions to, or otherwise authorize their performance by, an officer or employee of, or assigned or detailed to the Administration.

COMPREHENSIVE PROGRAMS FOR WATER POLLUTION CONTROL

SEC. 3. (a) The Secretary shall, after careful investigation, and in cooperation with other Federal agencies, with State water pollution control agencies and interstate agencies, and with the municipalities and industries involved, prepare or develop comprehensive programs for eliminating or reducing the pollution of interstate waters and tributaries thereof and improving the sanitary conditions of surface and underground waters. In the development of such comprehensive programs due regard shall be given to the improvements which are necessary to conserve such waters for public water supplies, propagation of fish and aquatic life and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses. For the purpose of this section, the Secretary is authorized to make joint investigations with any such agencies of the condition of any waters in any State or States, and of the discharges of any sewage, industrial wastes, or substance which may adversely affect such waters.

(b)(1) In the survey or planning of any reservoir by the Corps of Engineers, Bureau of Reclamation, or other Federal agency, consideration shall be given to inclusion of storage for regulation of streamflow for the purpose of water quality control, except that any such storage and water releases shall not be provided as a substitute for adequate treatment or other methods of controlling waste at the source.

(2) The need for and the value of storage for this purpose shall be determined by these agencies, with the advice of the Secretary, and his views on these matters shall be set forth in any report or presentation to the Congress proposing authorization or construction of any reservoir including such storage.

(3) The value of such storage shall be taken into account in determining the economic value of the entire project of which it is a part, and costs shall be allocated to the purpose of water quality control in a manner which will insure that all project purposes share equitably in the benefits of multiple-purpose construction.

(4) Costs of water quality control features incorporated in any Federal reservoir or other impoundment under the provisions of this Act shall be determined and the beneficiaries identified and if the benefits are widespread or national in scope, the costs of such features shall be nonreimbursable.

(c)(1) The Secrtary shall, at the request of the Governor of a State, or a majority of the governors when more than one State is involved, make a grant to pay not to exceed 50 per centum of the administrative expenses of a planning agency for a period not to exceed 3 years, if such agency provides for adequate representation of appropriate State, interstate, local, or (when appropriate) international, interests in the basin or portion thereof involved and is capable of developing an effective comprehensive water quality control and abatement plan for a basin.

(2) Each planning agency receiving a grant under this subsection shall develop a

comprehensive pollution control and abatement plan for the basin which—

(A) is consistent with any applicable water quality standards estabilshed pursuant to current law within the basin;

(B) recommends such treatment works and sewer systems as will provide the most effective and economical means of collection, storage, treatment, and purification of wastes and recommends means to encourage both municipal and industrial use of such works and systems; and

(C) recommends maintenance and improvement of water quality standards within the basin or portion thereof and recommends methods of adequately financing those facilities as may be necessary to implement the plan.

(3) For the purposes of this subsection the term "basin" includes but is not limited to, rivers and their tributaries, streams, coastal waters, sounds, estuaries, bays, lakes, and portions thereof, as well as the lands drained thereby.

INTERSTATE COOPERATION AND UNIFORM LAWS

SEC. 4. (a) The Secretary shall encourage cooperative activities by the States for the prevention and control of water pollution; encourage the enactment of improved and, so far as practicable, uniform State laws relating to the prevention and control of water pollution; and encourage compacts between States for the prevention and control of water pollution.

(b) The consent of the Congress is hereby given to two or more States to negotiate and enter into agreements or compacts, not in conflict with any law or treaty of the United States, for (1) cooperative effort and mutual assistance for the prevention and control of water pollution and the enforcement of their respective laws relating thereto, and (2) the establishment of such agencies, joint or otherwise, as they may deem desirable for making effective such agreements and compacts. No such agreement or compact shall be binding or obligatory upon any State a party thereto unless and until it has been approved by the Congress.

RESEARCH, INVESTIGATIONS, TRAINING, AND INFORMATION

SEC. 5. (a) The Secretary shall conduct in the Department of Health, Education, and Welfare and encourage, cooperate with, and render assistance to other appropriate public (whether Federal, State, interstate, or local) authorities, agencies, and institutions, private agencies and institutions, and individuals in the conduct of, and promote the coordination of, research, investigations, experiments, demonstrations, and studies relating to the causes, control, and prevention of water pollution. In carrying out the foregoing, the Secretary is authorized to—

(1) collect and make available, through publications and other appropriate means, the results of and other information as to research, investigations, and demonstrations relating to the prevention and control of water pollution, including appropriate recommendations in connection therewith;

(2) make grants-in-aid to public or private agencies and institutions and to individuals for research or training projects and for demonstrations, and provide for the conduct or research, training, and demonstrations by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes;

(3) secure, from time to time and for such periods as he deems advisable, the assistance and advice of experts, scholars, and consultants as authorized by section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a);

(4) establish and maintain research fellowships in the Department of Health, Education, and Welfare with such stipends and allowances, including traveling and subsistence expenses, as he may deem necessary to procure the assistance of the most promising research fellowships: *Provided*, That the Secretary shall report annually to the appropriate committees of Congress on his operations under this paragraph; and

(5) provide training in technical matters relating to the causes, prevention, and control of water pollution to personnel of public agencies and other persons with suitable qualifications.

(b) The Secretary may, upon request of any State water pollution control agency, or interstate agency, conduct investigations and research and make surveys concerning any specific problem of water pollution confronting any State, interstate agency, community, municipality, or industrial plant, with a view of recommending a solution of such problem.

(c) The Secretary shall, in cooperation with other Federal, State, and local agencies having related responsibilities, collect and disseminate basic data on chemical, physical, and biological water quality and other information insofar as such data or other information relate to water pollution and the prevention and control thereof.

(d) In carrying out the provisions of this section the Secretary shall develop and demonstrate under varied conditions (including conducting such basic and applied research, studies, and experiments as may be necessary):

(A) practicable means of treating municipal sewage and other waterborne wastes to remove the maximum possible amounts of physical, chemical, and biological pollutants in order to restore and maintain the maximum amount of the Nation's water at a quality suitable for repeated reuse;

(B) improved methods and procedures to identify and measure the effects of pollutants on water uses, including those pollutants created by new technological developments; and

(C) methods and procedures for evaluating the effects on water quality and water uses of augmented streamflows to control water pollution not susceptible to other means of abatement.

(e) The Secretary shall establish, equip, and maintain field laboratory and research facilties, including, but not limited to, one to be located in the northeastern area of the United States, one in the Middle Atlantic area, one in the southeastern area, one in the midwestern area, one in the southwestern area, one in the Pacific Northwest, and one in the State of Alaska, for the conduct of research, investigations, experiments, field demonstrations and studies, and training relating to the prevention and control of water pollution. Insofar as practicable, each such facility shall be loacted near institutions of higher learning in which graduate training in such research might be carried out.

(f) (The Secretary shall conduct research and technical development work, and make studies, with respect to the quality of the waters of the Great Lakes, including an analysis of the present and projected future water quality of the Great Lakes under varying conditions of waste treatment and disposal, and evaluation of the water quality needs of those to be served by such waters, and evaluations of municipal, industrial, and vessel waste treatment and disposal practices with respect to such waters, and a study of alternate means of solving water pollution problems (including additional waste treatment measures) with respect to such waters.

(g)(1) For the purpose of providing an adequate supply of trained personnel to operate and maintain existing and future treatment works and related activities, and for the purpose of enhancing substantially the proficiency of those engaged in such activities, the Secretary shall finance a pilot program, in cooperation with State and interstate agencies, municipalities, educational institutions, and other organizations and individuals, of manpower development and training and retraining of persons in; or entering into, the field of operation and maintenance of treatment works and related activities. Such program and any funds expended for such a program shall supplement, not supplant, other manpower and training programs and funds available for the purposes of this paragraph. The Secretary is authorized, under such terms and conditions as he deems appropriate, to enter into agreements with one or more States, acting jointly or severally, or with other public or private agencies or institutions for the development and implementation of such a program.

(2) The Secretary is authorized to enter into agreements with public and private agencies and institutions, and individuals to develop and maintain an effective system for forecasting the supply of, and demand for, various professional and other occupational categories needed for the prevention, control, and abatement of water pollution in each region, State, or area of the United States and, from time to time, to publish the results of such forecasts.

(3) In furtherance of the purposes of this Act, the Secretary is authorized to—

(A) make grants to public or private agencies and institutions and to individuals for training projects, and provide for the conduct of training by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes;

(B) establish and maintain research fellowships in the Department of the Interior with such stipends and allowances, including traveling and subsistence expenses, as he may deem necessary to procure the assistance of the most promising research fellowships; and

(C) provide, in addition to the program established under paragraph (1) of this subsection, training in technical matters relating to the causes, prevention, and control of water pollution for personnel of public agencies and other persons with suitable qualifications.

(4) The Secretary shall submit, through the President, a report to the Congress within eighteen months from the date of enactment of this subsection, summarizing the actions taken under this subsection and the effectiveness of such actions, and setting forth the number of persons trained, the occupational categories for which training was provided, the effectiveness of other Federal, State, and local training programs in this field, together with estimates of future needs, recommendations on improving training programs, and such other information and recommendations, including legislative recommendations, as he deems appropriate.

(h) The Secretary is authorized to enter into contracts with, or make grants to, public or private agencies and organizations and individuals for (A) the purpose of developing and demonstrating new or improved methods for the prevention, removal, and control of natural or mandate pollution in lakes, including the undesirable effects of nutrients and vegetation, and (B) the construction of publicly owned research facilities for such purpose.

(i) The Secretary shall—

(A) engage in such research, studies, experiments, and demonstrations as he deems appropriate, relative to the removal of oil from any waters and to the prevention and control of oil pollution;

(B) publish from time to time the results of such activities; and

(C) from time to time, develop and publish in the Federal Register specifications and other technical information on the various chemical compounds used as dispersants or emulsifiers in the control of oil spills.

In carrying out this subsection, the Secretary may enter into contracts with, or make grants to, public or private agencies and organizations and individuals.

(j) The Secretary shall engage in such research, studies, experiments, and demonstrations as he deems appropriate relative to equipment which is to be installed on board a vessel and is designed to receive, retain, treat, or discharge human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes with particular emphasis on equipment to be installed on small recreational vessels. The Secretary shall report to Congress the results of such research, studies, experiments, and demonstrations prior to the effective date of any standards established under section 13 of this Act. In carrying out this subsection the Secretary may enter into contracts with, or make grants to, public or private organizations and individuals.

(k) In carrying out the provisions of this section relating to the conduct by the Secretary of demonstration projects and the development of field laboratories and research facilities, the Secretary may acquire land and interests therein by purchase, with appropriated or donated funds, by donation, or by exchange for acquired or public lands under his jurisdiction which he classifies as suitable for disposition. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(l) (1) The Secretary shall, after consultation with appropriate local, State, and Federal agencies, public and private organizations, and interested individuals, as soon as practicable but not later than two years after the effective date of this subsection, develop and issue to the States for the purpose of adopting standards pursuant to section 10(c) the latest scientific knowledge available in indicating the kind and extent of effects on health and welfare which may be expected from the presence of pesticides in the water in varying quantities. He shall revise and add to such information whenever necessary to reflect developing scientific knowledge.

(2) For the purpose of assuring effective implementation of standards adopted pursuant to paragraph (1) the President shall, in consultation with appropriate local, State, and Federal agencies, public and private organizations, and interested individuals, conduct a study and investigation of methods to control the release of pesticides into the environment, which study shall include examination of the persistency of pesticides in the water environment and alternatives thereto. The President shall submit a report on such investigation to Congress together with his recommendations for any necessary legislation within two years after the effective date of this subsection.

[(g)](*m*)(1) The Secretary shall, in cooperation with the Secretary of the Army, the Secretary of Agriculture, the Water Resources Council, and with other appropriate Federal, State, interstate, or local public bodies and private organizations, institutions, and individuals, conduct and promote, and encourage contributions to, a comprehensive study of the effects of pollution, including sedimentation, in the estuaries and estuarine zones of the United States on fish and wildlife, on sport and commercial fishing, on recreation, on water supply and water power, and on other beneficial purposes. Such study shall also consider the effect of demographic trends, the exploitation of mineral resources and fossil fuels, land and industrial development, navigation, flood and erosion control, and other uses of estuaries and estuarine zones upon the pollution of the waters therein.

(2) In conducting the above study, the Secretary shall assemble, coordinate, and organize all existing pertinent information on the Nation's estuaries and estuarine zones, carry out a program of investigations and surveys to supplement existing information in representative estuaries and estuarine zones and identify the problems and areas where further research and study are required.

(3) The Secretary shall submit to the Congress a final report of the study authorized by this subsection not later than three years after the date of enactment of this subsection. Copies of the report shall be made available to all interested parties, public and private. The report shall include, but not be limited to—

(A) an analysis of the importance of estuaries to the economic and social well-being of the people of the United States and of the effects of pollution upon the use and enjoyment of such estuaries;

(B) a discussion of the major economic, social, and ecological trends occurring in the estuarine zones of the Nation;

(C) recommendations for a comprehensive national program for the preservation, study, use, and development of estuaries of the Nation, and the respective responsibilities which should be assumed by Federal, State, and local governments and by public and private interests.

(4) There is authorized to be appropriated the sum of $1,000,000 per fiscal year for the fiscal years ending June 30, 1967, June 30, 1968, [and June 30, 1969,], *June 30, 1969, June 30, 1970, and June 30, 1971,* to carry out the purposes of this subsection.

(5) For the purpose of this subsection, the term "estuarine Zones" means an environmental system consisting of an estuary and those transitional areas which are consistently influenced or affected by water from any estuary such as, but not limited to, salt marshes, coastal and intertidal areas, bays, harbors, lagoons, inshore waters, and channels, and the term "estuary" means all or part of the mouth of a navigable or interstate river or stream or other body of water having unimpaired natural connection with open sea and within which the sea water is measurably diluted with fresh water derived from land drainage.

[h] (*n*) There is authorized to be appropriated to carry out this section, other than subsection [(g), not to exceed $60,000,000 for the fiscal year ending June 30, 1968, and $65,000,000 for the fiscal year ending June 30, 1969] (*g*) *(1) and (2), not to exceed $65,000,000 per fiscal year for each of the fiscal years ending June 30, 1969, June 30, 1970, and June 30, 1971. There is authorized to be appropriated to carry out subsection (g)(1) of this section $5,000,000 for the fiscal year ending June 30, 1970, and $7,500,000 for the fiscal year ending June 30, 1971. There is authorized to be appropriated to carry out subsection (g)(2) of this section $2,500,000 per fiscal year for each of the fiscal years ending June 30, 1970, and June 30, 1971.* Sums so appropriated shall remain available until expended.

GRANTS FOR RESEARCH AND DEVELOPMENT

SEC. 6. (a) The Secretary is authorized to make grants to any State, municipality, or intermunicipal or interstate agency for the purpose of—

(1) assisting in the development of any project which will demonstrate a new or improved method of controlling the discharge into any waters of untreated or inadequately treated sewage or other wastes from sewers which carry storm water or both storm water and sewage or other wastes, or

(2) assisting in the development of any project which will demonstrate advanced waste treatment and water purification methods (including the temporary use of new or improved chemical additives which provide substantial immediate improvement to existing treatment processes) or new or improved methods of joint treatment systems for municipal and industrial wastes, and for the purpose of reports, plans, and specifications in connection therewith.

(b) The Secretary is authorized to make grants to persons for research and demonstration projects for prevention of pollution of waters by industry including, but not limited to, treatment of industrial waste.

(c) Federal grants under subsection (a) of this section shall be subject to the following limitations:

(1) No grant shall be made for any project pursuant to this section unless such project shall have been approved by the appropriate State water pollution control agency or agencies and by the Secretary;

(2) No grant shall be made for any project in an amount exceeding 75 per centum of the estimated reasonable cost thereof as determined by the Secretary; and

(3) No grant shall be made for any project under this section unless the Secretary determines that such project will serve as a useful demonstration for the purpose set forth in clause (1) or (2) of subsection (a).

(d) Federal grants under subsection (b) of this section shall be subject to the following limitations:

(1) No grant shall be made under this section in excess of $1,000,000;

(2) No grant shall be made for more than 70 per centum of the cost of the project; and

(3) No grant shall be made for any project unless the Secretary determines that such project will serve a useful purpose in the development or demonstration of a new or improved method of treating industrial wastes or otherwise preventing pollution of waters by industry, which method shall have industry-wide application.

(e) For the purposes of this section there are authorized to be appropriated—

(1) for the fiscal year ending June 30, 1966, and for each of the next [three] *five* succeeding fiscal years, the sum of $20,000,000 per fiscal year for the purposes set forth in subsections (a) and (b) of this section, including contracts pursuant to such subsections for such purposes;

(2) for the fiscal year ending June 30, 1967, and for each of the next [two] *four* succeeding fiscal years, the sum of $20,000,000 per fiscal year for the purpose set forth in clause (2) of subsection (a); and

(3) for the fiscal year ending June 30, 1967, and for each of the next [two] *four* succeeding fiscal years, the sum of $20,000,000 per fiscal year for the purpose set forth in subsection (b).

Grants for Water Pollution Control Programs

SEC. 7. (a) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1957, and for each succeeding fiscal year to and including the fiscal year ending June 30, 1961, $3,000,000, for each succeeding fiscal year to and including the fiscal year ending June 30, 1967, $5,000,000, and for each succeeding fiscal year to and including the fiscal year ending June 30, 1971, $10,000,000 for grants to States and to interstate agencies to assist them in meeting the costs of establishing and maintaining adequate measures for the prevention and control of water pollution, including the training of personnel of public agencies.

(b) The portion of the sums appropriated pursuant to subsection (a) for a fiscal year which shall be available for grants to interstate agencies and the portion thereof which shall be available for grants to States shall be specified in the Act appropriating such sums.

(c) From the sums available therefor for any fiscal year the Secretary shall from time

to time make allotments to the several States, in accordance with regulations, on the basis of (1) the population, (2) the extent of the water pollution problem, and (3) the financial need of the respective States.

(d) From each State's allotment under subsection (c) for any fiscal year the Secretary shall pay to such State an amount equal to its Federal share (as determined under subsection (h)) of the cost of carrying out its State plan approved under subsection (f), including the cost of training personnel for State and local water pollution control work and including the cost of administering the State plan.

(e) From the sums available therefor for any fiscal year the Secretary shall from time to time make allotments to interstate agencies, in accordance with regulations, on such basis as the Secretary finds reasonable and equitable. He shall from time to time pay to each such agency, from its allotment, an amount equal to such portion of the cost of carrying out its plan approved under subsection (f) as may be determined in accordance with regulations, including the cost of training personnel for water pollution control work and including the cost of administering the interstate agency's plan. The regulations relating to the portion of the cost of carrying out the interstate agency's plan which shall be borne by the United States shall be designed to place such agencies, so far as practicable, on a basis similar to that of the States.

(f) The Secretary shall approve any plan for the prevention and control of water pollution which is submitted by the State water pollution control agency or, in the case of an interstate agency, by such agency, if such plan—

(1) provides for administration or for the supervision of administration of the plan by the State water pollution control agency or, in the case of a plan submitted by an interstate agency, by such interstate agency;

(2) provides that such agency will make such reports, in such form and containing such information, as the Secretary may from time to time reasonably require to carry out his functions under this Act;

(3) sets forth the plans, policies, and methods to be followed in carrying out the State (or interstate) plan and in its administration;

(4) provides for extension or improvement of the State or interstate program for prevention and control of water pollution;

(5) provides such accounting, budgeting, and other fiscal methods and procedures as are necessary for the proper and efficient administration of the plan; and

(6) sets forth the criteria used by the State in determining priority of projects as provided in section 8(b)(4).

The Secretary shall not disapprove any plan without first giving reasonable notice and opportunity for hearing to the State water pollution control agency or interstate agency which has submitted such plan.

(g)(1) Whenever the Secretary, after reasonable notice and opportunity for hearing to a State water pollution control agency or interstate agency finds that—

(A) the plan submitted by such agency and approved under this section has been so changed that it no longer complies with a requirement of subsection (f) of this section; or

(B) in the administration of the plan there is a failure to comply substantially with such a requirement,

the Secretary shall notify such agency that no further payments will be made to the State or to the interstate agency, as the case may be, under this section (or in his discretion that further payments will not be made to the State, or to the interstate agency, for projects under or parts of the plan affected by such failure) until he is satisfied that there will no longer be any such failure. Until he is so satisfied, the Secretary shall make no further payments to such State, or to such interstate agency, as the case may be, under this section (or shall limit payments to projects under or parts of the plan in which there is no such failure).

(2) If any State or any interstate agency is dissatisfied with the Secretary's action with respect to it under this subsection, it may appeal to the United States court of appeals for the circuit in which such State (or any of the members States, in the case of an interstate agency) is located. The summons and notice of appeal may be served at any place in the United States. The findings of fact by the Secretary, unless contrary to the weight of the evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action. Such new or modified findings of fact shall likewise be conclusive unless contrary to the weight of the evidence. The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in title 28, United States Code, section 1254.

(h)(1) The "Federal share" for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States, except that (A) the Federal share shall in no case be more than 66⅔ per centum or less than 33⅓ per centum, and (B) the Federal share for Puerto Rico and the Virgin Islands shall be 66⅔ per centum.

(2) The "Federal shares" shall be promulgated by the Secretary between July 1 and September 30 of each even-numbered year, on the basis of the average of the per capita incomes of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce.

(3) As used in this subsection, the term "United States" means the fifty States and the District of Columbia.

(4) Promulgations made before satisfactory data are available from the Department of Commerce for a full year on the per capita income of Alaska shall prescribe a Federal share for Alaska of 50 per centum and, for purposes of such promulgations, Alaska shall not be included as part of the "United States". Promulgations made thereafter but before per capita income data for Alaska for a full three-year period are available for the Department of Commerce shall be based on satisfactory data available therefrom for Alaska for such one full year or, when such data are available for a two-year period, for such two years.

(i) The population of the several States shall be determined on the basis of the latest figures furnished by the Department of Commerce.

(j) The method of computing and paying amounts pursuant to subsection (d) or (e) shall be as follows:

(1) The Secretary shall, prior to the beginning of each calendar quarter or other period prescribed by him, estimate the amount to be paid to each State (or to each interstate agency in the case of subsection (e) under the provisions of such subsection for such period, such estimate to be based on such records of the State (or the interstate agency) and information furnished by it, and such other investigation, as the Secretary may find necessary.

(2) The Secretary shall pay to the State (or to the interstate agency), from the allotment available therefor, the amount so estimated by him for any period, reduced or increased, as the case may be, by any sum (not previously adjusted under this paragraph) by which he finds that his estimate of the amount to be paid such State (or such interstate agency) for any prior period under such subsection was greater or less than the amount which should have been paid to such State (or such agency) for such prior period under such subsection. Such payments shall be made through the disbursing facilities of the Treasury Department, in such installments as the Secretary may determine.

GRANTS FOR CONSTRUCTION

SEC. 8. (a) The Secretary is authorized to make grants to any State, municipality, or intermunicipal or interstate agency for the construction of necessary treatment works to prevent the discharge of untreated or inadequately treated sewage or other waste into any waters and for the purpose of reports, plans, and specifications in connection therewith.

(b) Federal grants under this section shall be subject to the following limitations: (1) No grant shall be made for any project pursuant to this section unless such project shall have been approved by the appropriate State water pollution control agency or agencies and by the Secretary and unless such project is included in a comprehensive program developed pursuant to this Act; (2) no grant shall be made for any project in an amount exceeding 30 per centum of the estimated reasonable cost thereof as determined by the Secretary; (3) no grant shall be made unless the grantee agrees to pay the remaining cost; (4) no grant shall be made for any project under this section until the applicant has made provision satisfactory to the Secretary for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof; and (5) no grant shall be made for any project under this section unless such project is in conformity with the State water pollution control plan submitted pursuant to the provisions of section 7 and has been certified by the appropriate State water pollution control agency as entitled to priority over other eligible projects on the basis of financial as well as water pollution control needs; (6) the percentage limitation of 30 per centum imposed by clause (2) of this subsection shall be increased to a maximum of 40 per centum in the case of grants made under this section from funds allocated for a fiscal year to a State under subsection (c) of this section if the State agrees to pay not less than 30 per centum of the estimated reasonable cost (as determined by the Secretary) of all projects for which Federal grants are to be made under this section from such allocation; (7) the percentage limitations imposed by clause (2) of this subsection shall be increased to a maximum of 50 per centum in the case of grants made under the section from funds allocated for a fiscal year to a State under subsection (c) of this section if the State agrees to pay not less than 25 per centum of the estimated reasonable costs (as determined by the Secretary) of all projects for which Federal grants are to be made under this section from such allocation and if enforceable water quality standards have been established for the waters into which the project discharges, in accordance with section 10(c) of this Act in the case of interstate waters, and under State law in the case of intrastate waters.

(c) In determining the desirability of projects for treatment works and of approving Federal financial aid in connection therewith, consideration shall be given by the Secretary to the public benefits to be derived by the construction and the propriety of Federal aid in such construction, the relation of the ultimate cost of constructing and

maintaining the works to the public interest and to the public necessity for the works, and the adequacy of the provisions made or proposed by the applicant for such Federal financial aid for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof. The sums appropriated pursuant to subsection (d) for each fiscal year ending on or before June 30, 1965, and the first $100,000,000 appropriated pursuant to subsection (d) for each fiscal year beginning on or after July 1, 1965, shall be allotted by the Secretary from time to time, in accordance with regulations, as follows: (1) 50 per centum of such sums in the ratio that the population of each State bears to the population of all the States, and (2) 50 per centum of such sums in the ratio that the quotient obtained by dividing the per capita income of the United States by the per capita income of each State bears to the sum of such quotients for all the States. All sums in excess of $100,000,000 appropriated pursuant to subsection (d) for each fiscal year beginning on or after July 1, 1965, shall be allotted by the Secretary from time to time, in accordance with regulations, in the ratio that the population of each State bears to the population of all States. Sums allotted to a State under the two preceding sentences which are not obligated within six months following the end of the fiscal year for which they were allotted because of a lack of projects which have been approved by the State water pollution control agency under subsection (b)(1) of this section and certified as entitled to priority under subsection (b)(4) of this section, shall be reallotted by the Secretary, on such basis as he determines to be reasonable and equitable and in accordance with regulations promulgated by him, to States having projects approved under this section for which grants have not been made because of lack of funds *including States having projects eligible for reimbursement pursuant to the sixth and seventh sentences of this subsection: Provided, however,* That whenever a State has funds subject to reallocation and the Secretary finds that the need for a project in a community in such State is due in part to any Federal institution or Federal construction activity, he may, prior to such reallocation, make an additional grant with respect to such project which will in his judgment reflect an equitable contribution for the need caused by such Federal institution or activity. Any sum made available to a State reallotment under the preceding sentence shall be in addition to any funds otherwise allotted to such State under this Act. The allotments of a State under the second, third, and fourth sentences of this subsection shall be available, in accordance with the provisions of this section, for payments with respect to projects in such State which have been approved under this section, except that in the case of any project on which construction was initiated in such State after June 30, 1966, which was approved by the appropriate State water pollution control agency and which the Secretary finds meets the requirements of this section but was constructed without such assistance, such allotments for any fiscal year ending prior to July 1, 1971, shall also be available for payments in reimbursement of State or local funds used for such project prior to July 1, 1971, to the extent that assistance could have been provided under this section if such project had been approved pursuant to this section and adequate funds had been available. In the case of any project on which construction was initiated in such State after June 30, 1966, and which was constructed with assistance pursuant to this section but the amount of such assistance was a lesser per centum of the cost of construction than was allowable pursuant to this section, such allotment shall also be available for payments in reimbursement of State or local funds used for such project prior to July 1, 1971, to the extent that assistance could have been provided under this section if adequate funds had been available. Neither a finding by the Secretary that a project meets the requirements of this subsection, nor any other provision of this subsection, shall be construed to constitute a commitment or obligation of the United States to provide funds to make or pay any grant for such project. For purposes of this section, population shall be determined on the basis of the latest decennial census for which figures are available, as certified by the Secretary of Commerce, and per capita income for each State and for the United States shall be determined on the basis of the average of the per capita incomes of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce.

(d) There are hereby authorized to be appropriated for each fiscal year through and including the fiscal year ending June 30, 1961, the sum of $50,000,000 per fiscal year for the purpose of making grants under this section. There are hereby authorized to be appropriated, for the purpose of making grants under this section, $80,000,000 for the fiscal year ending June 30, 1962, $90,000,000 for the fiscal year ending June 30, 1963, $100,000,000 for the fiscal year ending June 30, 1964, $100,000,000 for the fiscal year ending June 30, 1965, $150,000,000 for the fiscal year ending June 30, 1966, $150,000,000 for the fiscal year ending June 30, 1967; $450,000,000 for the fiscal year ending June 30, 1968; $700,000,000 for the fiscal year ending June 30, 1969; $1,000,000,000 for the fiscal year ending June 30, 1970; and $1,250,000,000 for the fiscal year ending June 30, 1971. Sums so appropriated shall remain available until expended. At least 50 per centum of the funds so appropriated for each fiscal year ending on or before June 30, 1965, and at least 50 per centum of the first $100,000,000 so appropriated for each fiscal year beginning on or after July 1, 1965, shall be used for grants for the construction of treatment works servicing municipalities of one hundred and twenty-five thousand population or under.

(e) The Secretary shall make payments under this section through the disbursing facilities of the Department of the Treasury. Funds so paid shall be used exclusively to meet the cost of construction of the project for which the amount was paid. As used in this section the term "construction" includes preliminary planning to determine the economic and engineering feasibility of treatment works, the engineering, architectural, legal, fiscal, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action necessary to the construction of treatment works; and the erection, building, acquisition, alteration, remodeling, improvement, or extension of treatment works; and the inspection and supervision of the construction of treatment works.

(f) Notwithstanding any other provisions of this section, the Secretary may increase the amount of a grant made under subsection (b) of this section by an additional 10 per centum of the amount of such grant for any project which has been certified to him by an official State, metropolitan, or regional planning agency empowered under State or local laws or interstate compact to perform metropolitan or regional planning for a metropolitan area within which the assistance is to be used, or other agency or instrumentality designated for such purposes by the Governor (or Governors in the case of interstate planning) as being in conformity with the comprehensive plan developed or in process of development for such metropolitan area. For the purposes of this subsection, the term "metropolitan area" means either (1) a standard metropolitan statistical area as defined by the Bureau of the Budget, except as may be determined by the President as not being appropriate for the purposes hereof, or (2) any urban area, including those surrounding areas that form an economic and socially related region, taking into consideration such factors as present and future population trends and patterns of urban growth, location of transportation facilities and systems, and distribution of industrial, commercial, residential, governmental, institutional, and other activities, which in the opinion of the President lends itself as being appropriate for the purposes hereof.

(g) The Secretary shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on projects for which grants are made under this section shall be paid wages at rates not less than those prevailing for the same type of work on similar construction in the immediate locality, as determined by the Secretary of Labor, in accordance with the Act of March 3, 1931, as amended, known as the Davis-Bacon Act (46 Stat. 1494; 40 U.S.C., secs 276a through 276a–5). The Secretary of Labor shall have, with respect to the labor standards specified in this subsection, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 133z–15) and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276c).

WATER POLLUTION CONTROL ADVISORY BOARD

SEC. 9. (a)(1) There is hereby established in the Department of Health, Education, and Welfare, a Water Pollution Control Advisory Board, composed of the Secretary or his designee, who shall be chairman, and nine members appointed by the President, none of whom shall be Federal officers or employees. The appointed members, having due regard for the purposes of this Act, shall be selected from among representatives of various State, interstate and local governmental agencies, of public or private interests contributing to, affected by, or concerned with water pollution, and of other public and private agencies, organizations, or groups demonstrating an active interest in the field of water pollution prevention and control, as well as other individuals who are expert in this field.

(2)(A) Each member appointed by the President shall hold office for a term of three years, except that (i) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (ii) the terms of office of the members first taking office after June 30, 1956, shall expire as follows: three at the end of one year after such date, three at the end of two years after such date, and three at the end of three years after such date, as designated by the President at the time of appointment, and (iii) the term of any member under the preceding provisions shall be extended until the date on which his successor's appointment is effective. None of the members appointed by the President shall be eligible for reappointment within one year after the end of his preceding term but terms commencing prior to the enactment of the Water Pollution Control Act Amendments of 1956 shall not be deemed "preceding terms" for purposes of this sentence.

(B) The members of the Board who are not officers or employees of the United States, while attending conferences or meetings of the Board or while otherwise serving at the request of the Secretary, shall be entitled to receive compensation at a rate to be fixed by the Secretary, but not exceeding $50 per

diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

(b) The Board shall advise, consult with, and make recommendations to the Secretary on matters of policy relating to the activities and functions of the Secretary under this Act.

(c) Such clerical and technical assistance as may be necessary to discharge the duties of the Board shall be provided from the personnel of the Department of Health, Education, and Welfare.

ENFORCEMENT MEASURES AGAINST POLLUTION OF INTERSTATE OR NAVIGABLE WATERS

SEC. 10. (a) The pollution of interstate or navigable waters in or adjacent to any State or States (whether the matter causing or contributing to such pollution is discharged directly into such waters or reaches such waters after discharge into a tributory of such waters), which endangers the health or welfare of any persons, shall be subject to abatement as provided in this Act.

(b) Consistent with the policy declaration of this Act, State and interstate action to abate pollution of interstate or navigable waters shall be encouraged and shall not, except as otherwise provided by or pursuant to court order under subsection (h) be displaced by Federal enforcement action.

(c)(1) If the Governor of a State or a State water pollution control agency files, within one year after the date of enactment of this subsection, a letter of intent that such State, after public hearings, will before June 30, 1967, adopt (A) water quality criteria applicable to interstate waters or portions thereof within such State, and (B) a plan for the implementation and enforcement of the water quality criteria adopted, and if such criteria and plan are established in accordance with the letter of intent, and if the Secretary determines that such State criteria and plan are consistent with paragraph (3) of this subsection, such State criteria and plan shall thereafter be the water quality standards applicable to such interstate waters or portions thereof.

(2) If a State does not (A) file a letter of intent or (B) establish water quality standards in accordance with paragraphs (1) of this subsection, or of the Secretary or the Governor of any State affected by water quality standards established pursuant to this subsection desires a revision in such standards, the Secretary may, after reasonable notice and a conference of representatives of appropriate Federal departments and agencies, interstate agencies, States, municipalities and industries involved, prepare regulations setting forth standards of water quality to be applicable to interstate waters or portions thereof. If, within six months from the date the Secretary publishes such regulations, the State has not adopted water quality standards found by the Secretary to be consistent with paragraph (3) of this subsection, or a petition for public hearing has not been filed under paragraph (4) of this subsection, the Secretary shall promulgate such standards.

(3) Standards of quality established pursuant to this subsection shall be such as to protect the public health or welfare, enhance the quality of water and serve the purposes of this Act. In establishing such standards the Secretary, the Hearing Board, or the appropriate State authority shall take into consideration their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses. *In establishing such standards the Secretary, the hearing board, or the appropriate State authority shall take into consideration their use and value for navigation.*

(4) If at any time prior to 30 days after standards have been promulgated under paragraph (2) of this subsection, the Governor of any State affected by such standards petitions the Secretary for a hearing, the Secretary shall call a public hearing, to be held in or near one or more of the places where the water quality standards will take effect before a Hearing Board of five or more persons appointed by the Secretary. Each State which would be affected by such standards shall be given an opportunity to select one member of the Hearing Board. The Department of Commerce and other affected Federal departments and agencies shall each be given an opportunity to select a member of the Hearing Board and not less than a majority of the Hearing Board shall be persons other than officers or employees of the Deparment of Health, Education, and Welfare. The members of the Board who are not officers or employees of the United States, while participating in the hearing conducted by such Hearing Board or otherwise engaged on the work of such Hearing Board, shall be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding $100 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b–2), for persons in the Government service employed intermittently. Notice of such hearing shall be published in the Federal Register and given to the State water pollution control agencies interstate agencies and municipalities involved at least 30 days prior to the date of such hearing. On the basis of the evidence presented at such hearing, the Hearing Board shall make findings as to whether the standards published or promulgated by the Secretary should be approved or modified and transmit its findings to the Secretary. If the Hearing Board approves the standards as published or promulgated by the Secretary, the standards shall take effect of receipt by the Secretary of the Hearing Board's recommendations. If the Hearing Board recommends modifications in the standards as published or promulgated, by the Secretary, the Secretary shall promulgate revised regulations setting forth standards of water quality in accordance with the Hearing Board's recommendations which will become effective immediately upon promulgation.

(5) The discharge of matter into such interstate waters or portions thereof, which reduces the quality of such waters below the water quality standards established under this subsection (whether the matter causing or contributing to such reduction is discharged directly into such waters or reaches such waters after discharge into tributaries of such waters), is subject to abatement in accordance with the provisions of paragraph (1) or (2) of subsection (g) of this section, except that at least 180 days before any abatement action is initiated under either paragraph (1) or (2) of subsection (g) as authorized by this subsection, the Secretary shall notify the violators and other interested parties of the violation of such standards. In any suit brought under the provisions of this subsection the court shall receive in evidence a transcript of the proceedings of the conference and hearing provided for in this subsection, together with the recommendations of the conference and Hearing Board and the recommendations and standards promulgated by the Secretary, and such additional evidence, including that relating to the alleged violations of the standards, as it deems necessary to a complete review of the standards and to a determination of all other issues relating to the alleged violation. The court giving due consideration to the practicability and to the physical and economic feasibility of complying with such standards, shall have jurisdiction to enter such judgment and orders enforcing such judgment as the public interest and the equities of the case may require.

(6) Nothing in this subsection shall (A) prevent the application of this section to any case to which subsection (a) of this section would otherwise be applicable, or (B) extend Federal jurisdiction over water not otherwise authorized by this Act.

(7) In connection with any holdings under this section no witness or any other person shall be required to divulge trade secrets or secret processes.

(d)(1) Whenever requested by the Governor of any State or a State water pollution control agency, or (with the concurrence of the Governor and of the State water pollution control agency for the State in which the municipality is situated) the governing body of any municipality, the Secretary shall, if such request refers to pollution of waters which is endangering the health or welfare of persons in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originates, give formal notification thereof to the water pollution control agency and interstate agency, if any, of the State or States where where such discharge or discharges originate and shall call promptly a conference of such agency or agencies and of the State water pollution control agency and interstate agency, if any, of the State or States, if any, which may be adversely affected by such pollution. Whenever requested by the Governor of any State, the Secretary shall, if such request refers to pollution of interstate or navigable waters which is endangering the health or welfare of persons only in the requesting State in which the discharge or discharges (causing or contributing to such pollution) originate, give formal notification thereof to the water pollution control agency and interstate agency, if any, of such State and shall promptly call a conference of such agency or agencies, unless, in the judgment of the Secretary, the effect of such pollution on the legitimate uses of the waters is not of sufficient significance to warrant exercise of Federal jurisdiction under this section. The Secrtary shall also call such a conference whenever, on the basis of reports, surveys, or studies, he has reason to believe that any pollution referred to in subsection (a) and endangering the health or welfare of persons in a State other than that in which the discharge or discharges originate is occurring; or he finds that substantial economic injury results from the inability to market shellfish or shellfish products in interstate commerce because of pollution referred to in subsection (a) and action of Federal, State, or local authorities.

(2) Whenever the Secretary, upon receipt of reports, surveys, or studies from any duly constituted international agency, has reason to believe that any pollution referred to in subsection (a) of this section which endangers the health or welfare of persons in a foreign country is occurring, and the Secretary of State requests him to abate such pollution, he shall give formal notification thereof to the State water pollution control agency of the State in which such discharge or discharges originate and to the interstate water pollution control agency, if any, and shall call promptly a conference of such agency or agencies, if he believes that such pollution is occurring in sufficient quantity to warrant such action. The Secretary, through the Secretary of State, shall invite the foreign country which may be adversely affected by the pollution to attend and participate in the conference, and the representative of such country shall, for

the purpose of the conference and any further proceeding resulting from such conference, have all the rights of a State water pollution control agency. This paragraph shall apply only to a foreign country which the Secretary determines has given the United States essentially the same rights with respect to the prevention and control of water pollution occurring in that country as is given that country by this paragraph. Nothing in this paragraph shall be construed to modify, amend, repeal, or otherwise affect the provisions of the 1909 Boundary Waters Treaty between Canada and the United States or the Water Utilization Treaty of 1944 between Mexico and the United States (59 Stat. 1219), relative to the control and abatement of water pollution in waters covered by those treaties.

(3) The agencies called to attend such conference may bring such persons as they desire to the conference. In addition, it shall be the responsibility of the chairman of the conference to give every person contributing to the alleged pollution or affected by it an opportunity to make a full statement of his views to the conference. Not less than three weeks' prior notice of the conference date shall be given to such agencies.

(4) Following this conference, the Secretary shall prepare and forward to all the water pollution control agencies attending the conference a summary of conference discussions including (A) occurrence of pollution of interstate or navigable waters subject to abatement under this Act; (B) adequacy of measures taken toward abatement of the pollution; and (C) nature of delays, if any, being encountered in abating the pollution.

(e) If the Secretary believes, upon the conclusion of the conference or thereafter, that effective progress toward abatement of such pollution is not being made and that the health or welfare of any persons is being endangered, he shall recommend to the appropriate State water pollution control agency that it take necessary remedial action. The Secretary shall allow at least six months from the date he makes such recommendations for the taking of such recommended action.

(f) (1) If, at the conclusion of the period so allowed, such remedial action has not been taken or action which in the judgment of the Secretary is reasonably calculated to secure abatement of such pollution has not been taken, the Secretary shall call a public hearing, to be held in or near one or more of the places where the discharge or discharges causing or contributing to such pollution originated, before a Hearing Board of five or more persons appointed by the Secretary. Each State in which any discharge causing or contributing to such pollution originates and each State claiming to be adversely affected by such pollution shall be given an opportunity to select one member of the Hearing Board and at least one member shall be a representative of the Department of Commerce, and not less than a majority of the Hearing Board shall be persons other than officers or employees of the Department of Health, Education, and Welfare. At least three weeks' prior notice of such hearing shall be given to the State water pollution control agencies and interstate agencies, if any, called to attend the aforesaid hearing and the alleged polluter or polluters. It shall be the responsibility of the Hearing Board to give every person contributing to the alleged pollution or affected by it an opportunity to make a full statement of his views to the Hearing Board. On the basis of the evidence presented at such hearings, the Hearing Board shall make findings as to whether pollution referred to in subsection (a) is occurring and whether effective progress toward abatement thereof is being made. If the Hearing Board finds such pollution is occurring and effective progress toward abatement thereof is not being made it shall make recommendations to the Secretary concerning the measures, if any, which it finds to be reasonable and equitable to secure abatement of such pollution. The Secretary shall send such findings and recommendations to the person or persons discharging any matter causing or contributing to such pollution, together with a notice specifying a reasonable time (not less than six months) to secure abatement of such pollution, and shall also send such findings and recommendations and such notice to the State water pollution control agency and to the interstate agency, if any, of the State or States where such discharge or discharges originate.

(2) In connection with any hearing called under this section the Secretary is authorized to require any person whose alleged activities result in discharges causing or contributing to water polution to file with him, in such form as he may prescribe, a report based on existing data, furnishing such information as may reasonably be required as to the character, kind, and quantity of such discharges and the use of facilities or other means to prevent or reduce such discharges by the person filing such a report. Such report shall be made under oath or otherwise, as the Secretary may prescribe, and shall be filed with the Secretary within such reasonable period as the Secretary may prescribe, unless additional time be granted by the Secretary. No person shall be required in such report to divulge trade secrets or secret processes, and all information reported shall be considered confidential for the purposes of section 1905 of title 18 of the United States Code.

(3) If any person required to file any report under paragraph (2) of this subsection shall fail to do so within the time fixed by the Secretary for filing the same, and such failure shall continue for thirty days after notice of such default, such person shall forfeit to the United States the sum of $100 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States brought in the district where such person has his principal office or in any district in which he does business. The Secretary may upon application therefor remit or mitigate any forfeiture provided for under this paragraph and he shall have authority to determine the facts upon all such applications.

(4) It shall be the duty of the various United States attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of such forfeitures.

(g) If action reasonably calculated to secure abatement of the pollution within the time specified in the notice following the public hearing is not taken, the Secretary—

(1) in the case of pollution of waters which is endangering the health or welfare of persons in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originate, may request the Attorney General to bring a suit on behalf of the United States to secure abatement of pollution, and

(2) in the case of pollution of waters which is endangering the health or welfare of persons only in the State in which the discharge or discharges (causing or contributing to such pollution) originate, may, with the written consent of the Governor of such State, request the Attorney General to bring a suit on behalf of the United States to secure abatement of the pollution.

(h) The court shall receive in evidence in any such suit a transcript of the proceedings before the Board and a copy of the Board's recommendations and shall receive such further evidence as the court in its discretion deems proper. The court, giving due consideration to the practicability and to the physical and economic feasibility of securing abatement of any pollution proved, shall have jurisdiction to enter such judgment, and orders enforcing such judgment, as to the public interest and the equities of the case may require.

(i) Members of any Hearing Board appointed pursuant to subsection (f) who are not regular full-time officers or employees of the United States shall, while participating in the hearing conducted by such Board or otherwise engaged on the work of such Board, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding $100 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

(j) used in this section the term—

(1) "person" includes an individual, corporation, partnership, association, State, municipality, and political subdivision of a State, and

(2) "municipality" means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law.

(k) (1) At the request of a majority of the conferees in any conference called under this section the Secretary is authorized to request any person whose alleged activities result in discharges causing or contributing to water pollution, to file with him a report (in such form as may be prescribed in regulations promulgated by him) based on existing data, furnishing such information as may reasonably be requested as to the character, kind, and quantity of such discharges and the use of facilities or other means to prevent or reduce such discharges by the person filing such a report. No person shall be required in such report to divulge trade secrets or secret processes, and all information reported shall be considered confidential for the purposes of section 1905 of title 18 of the United States Code.

(2) If any person required to file any report under this subsection shall fail to do so within the time fixed by regulations for filing the same, and such failure shall continue for thirty days after notice of such default, such person may, by order of a majority of the conferees, be subject to a forfeiture of $100 for each and every day of the continuance of such failure which forfeiture shall be payable into the Treasury of the United States and shall be recoverable in a civil suit in the name of the United States brought in the district where such person has his principal office or in any district in which he does business. The Secretary may upon application therefor remit or mitigate any forfeiture provided for under this subsection and he shall have authority to determine the facts upon all such applications.

(3) It shall be the duty of the various United States attorneys, under the direction of the Attorney General of the United States to prosecute for the recovery of such forfeitures.

Control of Pollution by Oil

Sec. 11. (a) For the purpose of this section, the term—

(1) "oil" means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil;

(2) "discharge" includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying or dumping;

(3) "vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water other than a public vessel;

(4) "public vessel" means a vessel owned or bare-boat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce;

(5) "United States" means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

(6) "owner or operator" means (A) in the case of a vessel, any person owning, operating, or chartering by demise, such vessel, and (B) in the case of an onshore facility, and an offshore facility, any person owning or operating such onshore facility or offshore facility, and (C) in the case of any abandoned offshore facility, the person who owned or operated such facility immediately prior to such abandonment;

(7) "person" includes an individual, firm, corporation, association, and a partnership;

(8) "remove," or "removal" refers to removal of the oil from the water and shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches;

(9) "contiguous zone" means the entire zone established or to be established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone;

(10) "onshore facility" means any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under, any land within the United States other than submerged land;

(11) "offshore facility" means any facility of any kind located in, on, or under, any of the navigable waters of the United States other than a vessel or a public vessel;

(12) "act of God" means an act occasioned by an unanticipated grave natural disaster;

(13) "barrel" means 42 United States gallons at 60 degrees Fahrenheit.

(b)(1) The Congress hereby declares that it is the policy of the United States that there should be no discharges of oil into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone.

(2) The discharge of oil into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone in harmful quantities as determined by the President under paragraph (3) of this section, is prohibited, except (A) in the case of such discharges into the waters of the contiguous zone, where permitted under article IV of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended, and (B) where permitted in quantities and at times and locations or under such circumstances or conditions as the President may, by regulation, determine not to be harmful. Any regulations issued under this subsection shall be consistent with maritime safety and with marine and navigation laws and regulations and applicable water quality standards.

(3) The President shall by regulation, to be issued as soon as possible after the date of enactment of this paragraph, determine for the purposes of this section, those quantities of oil the discharge of which, at such times, locations, circumstances, and conditions, will be harmful to the public health or welfare of the United States, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches except that in the case of the discharge of oil into or upon the waters of the contiguous zone, only those discharges which threaten the fishery resources of the contiguous zone or threaten to pollute or contribute to the pollution of the territory or the territorial sea of the United States may be determined to be harmful.

(4) Any person in charge of a vessel or of an onshore facility or an offshore facility shall, as soon as he has knowledge of any discharge of oil from such vessel or facility in violation of paragraph (2) of this subsection, immediately notify the appropriate agency of the United States Government of such discharge. Any such person who fails to notify immediately such agency of such discharge shall, upon conviction, be fined not more than $10,000, or imprisoned for not more than one year, or both. Notification received pursuant to this paragraph or information obtained by the exploitation of such notification shall not be used against any such person in any criminal case, except a prosecution for perjury or for giving a false statement.

(5) Any owner or operator of any vessel, onshore facility, or offshore facility from which oil is knowingly discharged in violation of paragraph (2) of this subsection shall be assessed a civil penalty by the Secretary of the department in which the Coast Guard is operating of not more than $10,000 for each offense. No penalty shall be assessed unless the owner or operator charged shall have been given notice and opportunity for a hearing on such charge. Each violation is a separate offense. Any such civil penalty may be compromised by such Secretary. In determining the amount of the penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the owner or operator charged, the effect on the owner or operator's ability to continue in business, and the gravity of the violation, shall be considered by such Secretary. The Secretary of the Treasury shall withhold at the request of such Secretary of the clearance required by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C. 91), of any vessel the owner or operator of which is subject to the foregoing penalty. Clearance may be granted in such cases upon the filing of a bond or other surety satisfactory to such Secretary.

(c)(1) Whenever any oil is discharged, into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone, the President is authorized to act to remove or arrange for the removal of such oil at any time, unless he determines such removal will be done properly by the owner or operator of the vessel, onshore facility, or offshore facility from which the discharge occurs.

(2) Within sixty days after the effective date of this section, the President shall repare and publish a National Contingency Plan for removal of oil pursuant to this subsection. Such National Contingency Plan shall provide for efficient, coordinated, and effective action to minimize damage from oil discharges, including containment, dispersal, and removal of oil, and shall include, but not be limited to—

(A) assignment of duties and responsibilities among Federal departments and agencies in coordination with State and local agencies, including, but not limited to, water pollution control, conservation, and port authorities;

(B) identification, procurement, maintenance, and storage of equipment and supplies;

(C) establishment or designation of a strike force consisting of personnel who shall be trained, prepared, and available to provide necessary services to carry out the Plan, including the establishment at major ports, to be determined by the President, of emergency task forces of trained personnel, adequate oil pollution control equipment and material, and a detailed oil pollution prevention and removal plan;

(D) a system of surveillance and notice designed ot insure earliest possible notice of discharges of oil to the appropriate Federal agency;

(E) establishment of a national center to provide coordination and direction for operations in carrying out the Plan;

(F) procedures and techniques to be employed in identifying, containing, dispersing, and removing oil; and

(G) a schedule, prepared in cooperation with the States, identifying (i) dispersants and other chemicals, if any, that may be used in carrying out the Plan, (ii) the waters in which such dispersants and chemicals may be used, and (iii) the quantities of such dispersant or chemical which can be used safely in such waters, which schedule shall provide in the case of any dispersant, chemical, or waters not specifically identified in such schedule that the President, or his delegate, may, on a case-by-case basis, identify the dispersants and other chemicals which may be used, the waters in which they may be used, and the quantities which can be used safely in such waters.

The President may, from time to time, as he deems advisable, revise or otherwise amend the National Contingency Plan. After publication of the National Contingency Plan, the removal of oil and actions to minimize damage from oil discharges shall, to the greatest extent possible, be in accordance with the National Contingency Plan.

(d) Whenever a marine disaster in or upon the navigable waters of the United States has created a substantial threat of a pollution hazard to the public health or welfare of the United States, including, but not limited to fish, shellfish, and wildlife and the public and private shorelines and beaches of the United States, because of a discharge, or an imminent discharge, of large quantities of oil from a vessel the United States may (A) coordinate and direct all public and private efforts directed at the removal or elimination of such threat; and (B) summarily remove, and, if necessary, destroy such vessel by whatever means are available without regard to any provsiion of law governing the employment of personnel or the expenditures of appropriated funds. Any expense incurred under this subsection shall be a cost incurred by the United States Government for the purposes of subsection (f) in the removal of oil.

(e) In addition to any other action taken by a State or local government, when the President determines there is an imminent and substantial threat to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife and public and private property, shorelines, and beaches within the United States, because of an actual or threatened discharge of oil into or upon the navigable waters of the United States from an onshore or offshore facility, the President may require the United States attorney of the district in which the threat occurs to secure such relief as may be necessary to abate such threat, and the district courts of the United States shall have jurisdiction to grant such relief as the public interest and the equities of the case may require.

(f)(1) Except where an owner or operator can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any vessel from which oil is discharged in violation of subsection (b)(2) of this section shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil by the United States Government in an amount not to exceed $100 per gross ton of such vessel or

$14,000,000, whichever is lesser, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. Such costs shall constitute a maritime lien on such vessel which may be recovered in an action in rem in the district court of the United States for any district within which any vessel may be found. The United States may also bring an action against the owner or operator of such vessel in any court of competent jurisdiction to recover such costs.

(2) Except where an owner or operator of an onshore facility can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any such facility from which oil is discharged in violation of subsection (b)(2) of this section shall be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil by the United States Government in an amount not to exceed $8,000,000, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. The United States may bring an action against the owner or operator of such facility in any court of competent jurisdiction to recover such costs. The Secretary is authorized, by regulation, after consultation with the Secretary of Commerce and the Small Business Administration, to establish reasonable and equitable classifications of those onshore facilities having a total fixed storage capacity of 1,000 barrels or less which he determines because of size, type, and location do not present a substantial risk of the discharge of oil in violation of subsection (b)(2) of this section, and apply with respect to such classifications differing limits of liability which may be less than the amount contained in this paragraph.

(3) Except where an owner or operator of an offshore facility can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any such facility from which oil is discharged in violation of subsection (b)(2) of this section shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil by the United States Government in an amount not to exceed $8,000,000, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. The United States may bring an action against the owner or operator of such a facility in any court of competent jurisdiction to recover such costs.

(g) In any case where an owner or operator of a vessel, of an onshore facility, or of an offshore facility, from which oil is discharged in violation of subsection (b)(2) of this section proves that such discharge of oil was caused solely by an act or omission of a third party, or was caused solely by such an act or omission in combination with an act of God, an act of war, or negligence on the part of the United States Government, such third party shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for removal of such oil by the United States Government, except where such third party can prove that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of another party without regard to whether such act or omission was or was not negligent, or any combination of the foregoing clauses. If such third party was the owner or operator of a vessel which caused the discharge of oil in violation of subsection (b)(2) of this section, the liability of such third party under this subsection shall not exceed $100 per gross ton of such vessel or $14,000,000, whichever is the lesser. In any other case the liability of such third party shall not exceed the limitation which would have been applicable to the owner or operator of the vessel or the onshore or offshore facility from which the discharge actually occurred, if such owner or operator were liable. If the United States can show that the discharge of oil in violation of subsection (b)(2) of this section was the result of willful negligence or willful misconduct within the privity and knowledge of such third party, such third party shall be liable to the United States Government for the full amount of such removal costs. The United States may bring an action against the third party in any court of competent jurisdiction to recover such removal costs.

(h) The liabilities established by this section shall in no way affect any rights which (1) the owner or operator of a vessel or of an onshore facility or an offshore facility may have against any third party whose acts may in any way have caused or contributed to such discharge, or (2) the United States Government may have against any third party whose actions may in any way have caused or contributed to the discharge of oil.

(i)(1) In any case where an owner or operator of a vessel or an onshore facility or an offshore facility from which oil is discharged in violation of subsection (b)(2) of this section acts to remove such oil in accordance with regulations promulgated pursuant to this section, such owner or operator shall be entitled to recover the reasonable costs incurred in such removal upon establishing, in a suit which may be brought against the United States Government in the United States Court of Claims, that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether such act or omission was or was not negligent, or of any combination of the foregoing causes.

(2) The provisions of this subsection shall not apply in any case where liability is established pursuant to the Outer Continental Shelf Lands Act.

(3) Any amount paid in accordance with a judgment of the United States Court of Claims pursuant to this section shall be paid from the fund established pursuant to subsection (k).

(j)(1) Consistent with the National Contingency Plan required by subsection (c)(2) of this section, as soon as practicable after the effective date of this section, and from time to time thereafter, the President shall issue regulations consistent with maritime safety and with marine and navigation laws (A) establishing methods and procedures for removal of discharged oil, (B) establishing criteria for the development and implementation of local and regional oil removal contingency plans, (C) establishing procedures, methods, and requirements for equipment to prevent discharges of oil from vessels and from onshore facilities and offshore facilities, and (D) governing the inspection of vessels carrying cargoes of oil and the inspection of such cargoes in order to reduce the likelihood of discharges of oil from such vessels in violation of this section.

(2) Any owner or operator of a vessel or an onshore facility or an offshore facility and any other person subject to any regulation issued under paragraph (1) of this subsection who fails or refuses to comply with the provisions of any such regulation, shall be liable to a civil penalty of not more than $5,000 for each such violation. Each violation shall be a separate offense. The President may assess and compromise such penalty. No penalty shall be assessed until the owner, operator, or other person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the owner, operator, or other person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by the President.

(k) There is hereby authorized to be appropriated to a revolving fund to be established in the Treasury not to exceed $35,000,000 to carry out the provisions of subsection (c), (i), and (l) of this section and section 12 of this Act. Any other funds received by the United States under this section shall also be deposited in said fund for such purposes. All sums appropriated to, or deposited in, said fund shall remain available until expended.

(l) The President is authorized to delegate the administration of this section to the heads of those Federal departments, agencies, and instrumentalities which he determines to be appropriate. Any moneys in the fund established by subsection (k) of this section shall be available to such Federal departments, agencies, and instrumentalities to carry out the provisions of subsections (c) and (i) of this section and section 12 of this Act. Each such department, agency, and instrumentality, in order to avoid duplication of effort, shall, whenever appropriate, utilize the personnel, services, and facilities of other Federal departments, agencies, and instrumentalities.

(m) Anyone authorized by the President to enforce the provisions of this section may, except as to public vessels, (A) board and inspect any vessel upon the navigable waters of the United States or the waters of the contiguous zone, (B) with or without a warrant arrest any person who violates the provisions of this section or any regulation issued thereunder in his presence or view, and (C) execute any warrant or other process issued by an officer or court of competent jurisdiction.

(n) The several district courts of the United States are invested with jurisdiction for any actions, other than actions pursuant to subsection (i)(1), arising under this section. In the case of Guam, such actions may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone, such actions may be brought in the United States District Court for the District of the Canal Zone.

(o)(1) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel, or of any owner or operator of any onshore facility or offshore facility to any person or agency under any provision of law for damages to any publicly-owned or privately-owned pro-

perty resulting from a discharge of any oil or from the removal of any such oil.

(2) Nothing in this section shall be construed as preempting any State or political subdivision thereof from imposing any requirement or liability with respect to the discharge of oil into any waters within such State.

(3) Nothing in this section shall be construed as affecting or modifying any other existing authority of any Federal department, agency, or instrumentality, relative to onshore or offshore facilities under this Act or any other provision of law, or to affect any State or local law not in conflict with this section.

(p) (1) Any vessel over three hundred gross tons, including any barge of equivalent size, using any port or place in the United States or the navigable waters of the United States for any purpose shall establish and maintain under regulations to be prescribed from time to time by the President, evidence of financial responsibility of $100 per gross ton, or $14,000,000 whichever is the lesser, to meet the liability to the United States which such vessel could be subjected under this section. In cases where an owner or operator owns, operates, or charters more than one such vessel, financial responsibility need only be established to meet the maximum liability to which the largest of such vessels could be subjected. Financial responsibility may be established by any one of, or a combination of, the following methods acceptable to the President: (A) evidence of insurance, (B) surety bonds, (C) qualification as a self-insurer, or (D) other evidence of financial responsibility. Any bond filed shall be issued by a bonding company authorized to do business in the United States.

(2) The provisions of paragraph (1) of this subsection shall be effective one year after the effective date of this section. The President shall delegate the responsibility to carry out the provisions of this subsection to the appropriate agency head within sixty days after the date of enactment of this section. Regulations necessary to implement this subsection shall be issued within six months after the date of enactment of this section.

(3) Any claim for costs incurred by such vessel may be brought directly against the insurer or any other person providing evidence of financial responsibility as required under this subsection. In the case of any action pursuant to this subsection such insurer or other person shall be entitled to invoke all rights and defenses which would have been available to the owner or operator if an action had been brought against him by the claimant, and which would have been available to him if an action had been brought against him by the owner or operator.

(4) The Secretary of Transportation, in consultation with the Secretaries of Interior, State, Commerce, and other interested Federal agencies, representatives of the merchant marine, oil companies, insurance companies, and other interested individuals and organizations, and taking into account the results of the application of paragraph (1) of this subsection, shall conduct a study of the need for and, to the extent determined necessary—

(A) other measures to provide financial responsibility and limitation of liability with respect to vessels using the navigable waters of the United States;

(B) measures to provide financial responsibility for all onshore and offshore facilities; and

(C) other measures for limitation of liability of such facilities; for the cost of removing discharged oil and paying all damages resulting from the discharge of such oil. The Secretary of Transportation shall submit a report, together with any legislative recommendations, to Congress and the President by January 1, 1971.

Control of Hazardous Polluting Substances

Sec. 12. (a) The President shall, in accordance with subsection (b) of this section, develop, promulgate, and revise as may be appropriate, regulations (1) designating as hazardous substances, other than oil as defined in section 11 of this Act, such elements and compounds which, when discharged in any quantity into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone, present an imminent and substantial danger to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, shorelines, and beaches; and (2) establishing, if appropriate, recommended methods and means for the removed of such substances.

(b) Sections 551 through 559, inclusive (other than section 553(c)), and 701 through 706, inclusive, of title 5, United States Code, shall apply to regulations issued under authority of this section.

(c) In order to facilitate the removal, if appropriate, of any hazardous substance any person in charge of a vessel or of an onshore or offshore facility of any kind shall, as soon as he has knowledge of any discharge of such substance from such vessel or facility, immediatetly notify the appropriate agency of the United States of such discharge.

(d) Whenever any hazardous substance is discharged into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone, unless removal is immediately undertaken by the owner or operator of the vessel or onshore or offshore facility from which the discharge occurs or which caused the dischage, pursuant to the regulations promulgated under this section, the President, if appropriate, shall remove or arrange for the removal thereof in accordance with such regulations. Nothing in this subsection shall be construed to restrict the authority of the President to act to remove or arrange for the removal of such hazardous substance at any time.

(e) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel, onshore or offshore facility to any person or agency under any provision of law for damages to any publicly- or privately-owned property resulting from a discharge of any hazardous substance or from the removal of any such substance.

(f) (1) For the purpose of this section the definitions in subsection (a) of section 11 of this Act shall be applicable to the provisions of this section, except as provided in paragraph (2) of this subsection:

(2) For the purpose of this section, the term—

(A) "remove" or "removal" refers to removal of the hazardous substances from the water and shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches;

(B) "owner or operator" means any person owning, operating, chartering by demise, or otherwise controlling the operations of, a vessel, or any person owning, operating, or otherwise controlling the operations of an onshore or offshore facility; and

(C) "offshore or onshore facility" means any facility of any kind and related appurtenances thereto which is located in, on, or under the surface of any land, or permanently or temporarily affixed to any land, including lands beneath the navigable waters of the United States and which is used or capable of use for the purpose of processing, transporting, producing, storing, or transferring for commercial purposes any hazardous substance designed under this section.

(g) The President shall submit a report to the Congress, together with his recommendations, not later than November 1, 1970, on the need for, and desirability of, enacting legislation to impose liability for the cost of removal of hazardous substances discharged from vessels and onshore and offshore facilities subject to this section including financial responsibility requirements. In preparing this report, the President shall conduct an accelerated study which shall include, but not be limited to, the method and measures for controlling hazardous substances to prevent this discharge, and the most appropriate measures for (1) enforcement (including the imposition of civil and criminal penalties for discharges and for failure to notify) and (2) recovery of costs incurred by the United States if removal is undertaken by the United States. In carrying out this study, the President shall consult with the interested representatives of the various public and private groups that would be affected by such legislation as well as other interested persons.

(h) Any moneys in the funds established by section 11 of this Act shall be available to the President to carry out the purposes of this section. In carrying out this section the President shall utilize the personnel, services, and facilities of Federal departments, agencies, and instrumentalities in such manner as will avoid duplication of effort.

Control of Sewage from Vessels

Sect. 13. (a) For the purpose of this section, the term—

(1) "new vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which is initiated after promulgation of standards and regulations under this section;

(2) "existing vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which is initiated before promulgation of standards and regulations under this section;

(3) "public vessel" means a vessel owned or bareboat chartered and operated by the United States, by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce;

(4) "United States" includes the States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Canal Zone, and the Trust Territory of the Pacific Islands;

(5) "marine sanitation device" includes any equipment for installation on board a vessel which is designed to receive, retain, treat, or discharge sewage, and any process to treat such sewage;

(6) "sewage" means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

(7) "manufacturer" means any pesron engaged in the manufacturing, assembling, or importation of marine sanitation devices or of vessels subject to standards and regulations promulgated under this section;

(8) "person" means an individual, partnership, firm, corporation, or association, but does not include an individual on board a public vessel;

(9) "discharge" includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(b) (1) As soon as possible, after the enactment of this section and subject to the provisions of section 5(j) of this Act, the Secretary, after consultation with the Secretary of the department in which the Coast Guard is operating, after giving appropriate consideration to the economic costs involved, and within the limits of available technology, shall promulgate Federal standards of performance for marine sanitation devices (hereafter in this section referred to as "standards") which shall be designed to pre-

vent the discharge of untreated or inadequately treated sewage into or upon the navigable waters of the United States from new vessels and existing vessels, except vessels not equipped with installed toilet facilities. Such standards shall be consistent with maritime safety and the marine and navigation laws and regulations and shall be coordinated with the regulations issued under this subsection by the Secretary of the department in which the Coast Guard is operating. The Secretary of the department in which the Coast Guard is operating shall promulgate regulations, which are consistent with standards promulgated under this subsection and with maritime safety and the marine and navigation laws and regulations, governing the design, construction, installation, and operation of any marine sanitation device on board such vessels.

(2) Any existing vessel equipped with a marine sanitation device on the date of promulgation of initial standards and regulations under this section, which device is in compliance with such initial standards and regulations, shall be deemed in compliance with this section until such time as the device is replaced or is found not to be in compliance with such initial standards and regulations.

(c)(1) Initial standards and regulations under this section shall become effective for new vessels two years after promulgation; and for existing vessels five years after promulgation. Revisions of standards and regulations shall be effective upon promulgation, unless another effective date is specified except that no revision shall take effect before the effective date of the standard or regulation being revised.

(2) The Secretary of the department in which the Coast Guard is operating with regard to his regulatory authority established by this section, after consultation with the Secretary, may distinguish among classes, types, and sizes of vessels as well as between new and existing vessels and may waive applicability of standards and regulations as necessary or appropriate for such classes, types, and sizes of vessels (including existing vessels equipped with marine sanitation devices on the date of promulgation of the initial standards required by this section), and, upon application, for individual vessels.

(d) The provisions of this section and the standards and regulations promulgated hereunder apply to vessels owned and operated by the United States unless the Secretary of Defense finds that compliance would not be in the interest of national security. With respect to vessels owned and operated by the Department of Defense, regulations under the last sentence of subsection (b)(1) and certifications under subsection (g)(2) of this section shall be promulgated and issued by the Secretary of Defense.

(e) Before the standards and regulations under this section are promulgated, the Secretary and the Secretary of the department in which the Coast Guard is operating shall consult with the Secretary of State; the Secretary of Health, Education, and Welfare; the Secretary of Defense; the Secretary of the Treasury; the Secretary of Commerce; other interested Federal agencies; and the States and industries interested; and otherwise comply with the requirements of section 553 of title 5 of the United States Code.

(f) After the effective date of the initial standards and regulations promulgated under this section, no State or political subdivision thereof shall adopt or enforce any statute or regulation of such State or political subdivision with respect to the design, manufacture, or installation or use of any marine sanitation device on any vessel subject to the provisions of this section. Upon application by a State, and where the Secretary determines that any applicable water quality standards require such a prohibition, he shall by regulation completely prohibit the discharge from a vessel of any sewage (whether treated or not) into those waters of such State which are the subject of the application and to which such standards apply.

(g)(1) No manufacturer of a marine sanitation device shall sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States for sale or resale any marine sanitation device manufactured after the effective date of the standards and regulations promulgated under this section unless such device is in all material respects substantially the same as a test device certified under this subsection.

(2) Upon application of the manufacturer, the Secretary of the department in which the Coast Guard is operating shall so certify a marine sanitation device if he determines, in accordance with the provisions of this paragraph, that it meets the appropriate standards and regulations promulgated under this section. The Secretary of the department in which the Coast Guard is operating shall test or require such testing of the device in accordance with procedures set forth by the Secretary as to standards of performance and for such other purposes as may be appropriate. If the Secretary of the department in which the Coast Guard is operating determines that the device is satisfactory from the standpoint of safety and any other requirements of maritime law or regulation, and after consideration of the design, installation, operation, material, or other appropriate factors, he shall certify the device. Any device manufactured by such manufacturer which is in all material respects substantially the same as the certified test device shall be deemed to be in conformity with the appropriate standards and regulations established under this section.

(3) Every manufacturer shall establish and maintain such records, make such reports, and provide such information as the Secretary or the Secretary of the department in which the Coast Guard is operating may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this section and regulations issued thereunder and shall, upon request of an officer or employee duly designated by the Secretary or the Secretary of the department in which the Coast Guard is operating, permit such officer or employee at reasonable times to have access to and copy such records. All information reported to or otherwise obtained by, the Secretary or the Secretary of the department in which the Coast Guard is operating on their representatives pursuant to this subsection which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this section. This paragraph shall not apply in the case of the construction of a vessel by an individual for his own use.

(h) After the effective date of standards and regulations promulgated under this section, it shall be unlawful—

(1) for the manufacturer of any vessel subject to such standards and regulations to manufacture for sale, to sell or offer for sale, or to distribute for sale or resale any such vessel unless it is equipped with a marine sanitation device which is in all material respects substantially the same as the appropriate test device certified pursuant to this section;

section;

delivery of a vessel subject to such standards and regulations to the ultimate purchaser, wrongfully to remove or render inoperative any certified marine sanitation device or element of design of such device installed in such vessel;

(3) for any person to fail or refuse to permit access to or copying of records or to fail to make reports or provide information required under this section; and

(4) for a vessel subject to such standards and regulations to operate on the navigable waters of the United States, if such vessel is not equipped with an operable marine sanitation device certified pursuant to this section.

(i) The district courts of the United States shall have jurisdictions to restarain violations of subsection (g)(1) and subsections (h)(1) through (3) of this section. Actions to restrain such violations shall be brought by, and in, the name of the United States. In case of contumacy or refusal to obey a subpena served upon any person under this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(j) Any person who violates subsection (g)(1) or clause (1) or (2) of subsection (h) of this section shall be liable to a civil penalty of not more than $5,000 for each violation. Any person who violates clause (4) of subsection (h) of this section or any regulation issued pursuant to this section shall be liable to a civil penalty of not more than $2,000 for each violation. Each violation shall be a separate offense. The Secretary of the department in which the Coast Guard is operating may assess and compromise any such penalty. No penalty shall be assessed until the person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by said Secretary.

(k) The provisions of this section shall be enforced by the Secretary of the department in which the Coast Guard is operating and he may utilize by agreement, with or without reimbursement, law enforcement officers or other personnel and facilities of the Secretary, other Federal agencies, or the States to carry out the provisions of this section.

(l) Anyone authorized by the Secretary of the department in which the Coast Guard is operating to enforce the provisions of this section may, except as to public vessels, (1) board and inspect any vessel upon the navigable waters of the United States and (2) execute any warrant or other process issued by an officer or court of competent jurisdiction.

(m) In the case of Guam, actions arising under this section may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone, such actions may be brought in the District Court for the District of the Canal Zone.

Area Acid and Other Mine Water Pollution Control Demonstrations

Sec. 14. (a) The Secretary in cooperation with other Federal departments, agencies, and instrumentalities is authorized to enter into agreements with any State or interstate

agency to carry out one or more projects to demonstrate methods for the elimination or control, within all or part of a watershed, of acid or other mine water pollution resulting from active or abandoned mines. Such projects shall demonstrate the engineering and economic feasibility and practicality of various abatement techniques which will contribute substantially to effective and practical methods of acid or other mine water pollution elimination or control.

(b) The Secretary, in selecting watersheds for the purposes of this section, shall (1) require such feasibility studies as he deems appropriate, (2) give preference to areas which have the greatest present or potential value for public use for recreation, fish and wildlife, water supply, and other public uses, and (3) be satisfied that the project area will not be affected adversely by the influx of acid or other mine water pollution from nearby sources.

(c) Federal participation in such projects shall be subject to the conditions—

(1) that the State or interstate agency shall pay not less than 25 per centum of the actual project costs which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, or personal property or services, the value of which shall be determined by the Secretary; and

(2) that the State or interstate agency shall provide legal and practical protection to the project area to insure against any activities which will cause future acid or other mine water pollution.

(d) There is authorized to be appropriated $15,000,000 to carry out the provisions of this section, which sum shall be available until expended. No more than 25 per centum of the total funds available under this section in any one year shall be granted to any one State.

Pollution Control in Great Lakes

Sec. 15. (a) The Secretary, in cooperation with other Federal departments, agencies, and instrumentalities is authorized to enter into agreements with any State, political subdivision, interstate agency, or other public agency, or combination thereof, to carry out one or more projects to demonstrate new methods and techniques and to develop preliminary plans for the elimination or control of pollution, within all or any part of the watersheds of the Great Lakes. Such projects shall demonstrate the engineering and economic feasibility and practicality of removal of pollutants and prevention of any polluting matter from entering into the Great Lakes in the future and other abatement and remedial techniques which will contribute substantially to effective and practical methods of water pollution elimination or control.

(b) Federal participation in such projects shall be subject to the condition that the State, political subdivision, interstate agency, or other public agency, or combination thereof, shall pay not less than 25 per centum of the actual project costs, which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, and personal property or services the value of which shall be determined by the Secretary.

(c) There is authorized to be appropriated $20,000,000 to carry out the provisions of this section, which sum shall be available until expended.

Training Grants and Contracts

Sec. 16. The Secretary is authorized to make grants to or contracts with institutions of higher education, or combinations of such institutions, to assist them in planning, developing, strengthening, improving, or carrying out programs or projects for the preparation of undergraduate students to enter an occupation which involves the design, operation, and maintenance of treatment works, and other facilities whose purpose is water quality control. Such grants or contracts may include payment of all or part of the cost of programs or projects such as—

(A) planning for the development or expansion of programs or projects for training persons in the operation and maintenance of treatment works;

(B) training and retraining of faculty members;

(C) conduct of short-term or regular session institutes for study by persons engaged in, or preparing to engage in, the preparation of students preparing to enter an occupation involving the operation and maintenance of treatment works;

(D) carrying out innovative and experimental programs of cooperative education involving alternate periods of full-time or part-time academic study at the institution and periods of full-time or part-time employment involving the operation and maintenance of treatment works; and

(E) research into, and development of, methods of training students or faculty, including the preparation of teaching materials and the planning of curriculum.

Application for training grant or contract; allocation of grants or contracts

Sec. 17. (1) A grant or contract authorized by section 16 may be made only upon application to the Secretary at such time or times and containing such information as he may prescribe, except that no such application shall be approved unless it—

(A) sets forth programs, activities, research, or development for which a grant is authorized under section 16, and describes the relation to any program set forth by the applicant in an application, if any, submitted pursuant to section 18.

(B) provides such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section; and

(C) provides for making such reports, in such form and containing such information, as the Secretary may require to carry out his functions under this section, and for keeping such records and for functions under this section, and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

(2) The Secretary shall allocate grants or contracts under section 16 in such manner as will most nearly provide an equitable distribution of the grants or contracts throughout the United States among institutions of higher education which show promise of being able to use funds effectively for the purposes of this section.

(3) (A) Payment under this section may be used in accordance with regulations of the Secretary, and subject to the terms and conditions set forth in an application approved under subsection (a), to pay part of the compensation of students employed in connection with the operation and maintenance of treatment works, other than as an employee in connection with the operation and maintenance of treatment works or as an employee in any branch of the Government of the United States, as part of a program for which a grant has been approved pursuant to this section.

(B) Departments and agencies of the United States are encouraged, to the extent consistent with efficient administration, to enter into arrangements with institutions of higher education for the full-time, part-time, or temporary employment, whether in the competitive or excepted service, of students enrolled in programs set forth in applications approved under subsection (a).

AWARD OF SCHOLARSHIPS

Sec. 18. (1) The Secretary is authorized to award scholarships in accordance with the provisions of this section for undergraduate study by persons who plan to enter an occupation involving the operation and maintenance of treatment works. Such scholarships shall be awarded for such periods as the Secretary may determine but not to exceed four academic years.

(2) The Secretary shall allocate scholarships under this section among institutions of higher education with programs approved under the provisions of this section for the use of individuals accepted into such programs, in such manner and according to such plan as will insofar as practicable—

(A) provide an equitable distribution of such scholarships throughout the United States; and

(B) attract recent graduates of secondary schools to enter an occupation involving the operation and maintenance of treatment works.

(3) The Secretary shall approve a program of an institution of higher education for the purposes of this section only upon application by the institution and only upon his finding—

(A) that such program has as a principal objective the education and training of persons in the operation and maintenance of treatment works;

(B) that such program is in effect and of high quality, or can be readily put into effect and may reasonably be expected to be of high quality;

(C) that the application describes the relation of such program to any program, activity, research, or development set forth by the applicant in an application, if any, submitted pursuant to section 16 of this Act; and

(D) that the application contains satisfactory assurances that (i) the institution will recommend to the Secretary for the award of scholarships under this section, for study in such program, only persons who have demonstrated to the satisfaction of the institution a serious intent, upon completing the program, to enter an occupation involving the operation and maintenance of treatment works, and (ii) the institution will make reasonable continuing efforts to encourage recipients of scholarships under this section, enrolled in such program, to enter occupations involving the operation and maintenance of treatment works upon completing the program.

(4) (A) The Secretary shall pay to persons awarded scholarships under this section such stipends (including such allowances for subsistence and other expenses for such persons and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

(B) The Secretary shall (in addition to the stipends paid to persons under subsection (a)) pay to the institution of higher education at which such person is pursuing his course of study such amount as he may determine to be consistent with prevailing practices under comparable federally supported programs.

(5) A person awarded a scholarship under the provisions of this section shall continue to receive the payments provided in this section only during such periods as the Secretary finds that he is maintaining satisfactory proficiency and devoting full time to study or research in the field in which such scholarship was awarded in an institution of higher education, and is not engaging in gainful employment other than employment approved by the Secretary by or pursuant to regulation.

(6) The Secretary shall by regulation provide that any person awarded a scholarship under this section shall agree in writing to enter and remain in an occupation involving the design, operation, or maintenance of treatment works for such period after completion of his course of studies as the Secretary determines appropriate.

Definitions and authorization

Sec. 19. (1) As used in section 16 through 19 of this Act—

(A) The term "State" includes the District of Columbia, Puerto Rico, the Canal Zone, Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

(B) The term "institution of higher education" means an educational institution described in the first sentence of section 1201 of the Higher Education Act of 1965 (other than an institution of any agency of the United States) which is accredited by a nationally recognized accrediting agency or association approved by the Secretary for this purpose. For purposes of this subsection, the Secretary shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

(C) The term "academic year" means an academic year or its equivalent, as determined by the Secretary.

(2) The Secretary shall annually report his activities under sections 16 through 19 of this Act, including recommendations for needed revisions in the provisions thereof.

(3) There are authorized to be appropriated $12,000,000 for the fiscal year ending June 30, 1970, $25,000,000 for the fiscal year ending June 30, 1971, and $25,000,000 for the fiscal year ending June 30, 1972, to carry out section 16 through 19 of this Act (and planning and related activities in the initial fiscal year for such purposes). Funds appropriated for the fiscal year ending June 30, 1970, under authority of this subsection shall be available for obligation pursuant to the provisions of sections 16 through 19 of this Act during that year and the succeeding fiscal year.

ALASKA VILLAGE DEMONSTRATION PROJECTS

Sec. 20. (a) The Secretary is authorized to enter into agreements with the State of Alaska to carry out one or more projects to demonstrate methods to provide for central community facilities for safe water and the elimination or control of water pollution in those native villages of Alaska without such facilities. Such project shall include provisions for community safe water supply systems, toilets, bathing and laundry facilities, sewage disposal facilties, and other similar facilities, and educational and informational facilities and programs relating to health and hygiene. Such demonstration projects shall be for the further purpose of developing preliminary plans for providing such safe water and such elimination or control of water pollution for all native villages in such State.

(b) In carrying out this section the Secretary shall cooperate with the Secretary of Health, Education, and Welfare for the purpose of utilizing such of the personnel and facilities of that Department as may be appropriate.

(c) The Secretary shall report to Congress not later than January 31, 1973, the results of the demonstration projects authorized by this section together with his recommendations, including any necessary legislation, relating to the establishment of a statewide program.

(d) There is authorized to be appropriated not to exceed $1,000,000 to carry out this section.

[COOPERATION TO CONTROL POLLUTION FROM FEDERAL INSTALLATIONS

[SEC. 11. It is hereby declared to be the intent of the Congress that any Federal department or agency having jurisdiction over any building, installation, or other property shall, insofar as practicable and consistent with the interests of the United States and within any available appropriation, cooperate with the Department of Health, Education, and Welfare, and with any State or interstate agency or municipality having jurisdiction over waters into which any matter is discharged from such property, in preventing or controlling the pollution of such waters. In his summary of any conference pursuant to section 10(d)(3) of this Act, the Secretary shall include references to any discharges allegedly contributing to pollution from any Federal property. Notice of any hearing pursuant to section 10(f) involving any pollution alleged to be affected by any such discharges shall also be given to the Federal agency having jurisdiction over the property involved and the findings and recommendations of the Hearing Board conducting such hearing shall also include references to any such discharges which are contributing to the pollution found by such Hearing Board.]

COOPERATION BY ALL FEDERAL AGENCIES IN THE CONTROL OF POLLUTION

Sec. 21. (a) Each Federal agency (which term is used in this section includes Federal departments, agencies, and instrumentalities) having jurisdiction over any real property or facility, or engaged in any Federal public works activity of any kind, shall, consistent with the paramount interest of the United States as determined by the President, insure compliance with applicable water quality standards and the purposes of this Act in the administration of such property, facility, or activity. In his summary of any conference pursuant to section 10(d)(4) of this Act, the Secretary shall include references to any discharges allegedly contributing to pollution from any such Federal property, facility, or activity, and shall transmit a copy of such summary to the head of the Federal agency having jurisdiction of such property, facility, or activity. Notice of any hearing pursuant to section 10(f) of this Act involving any pollution alleged to be effected by any such discharges shall also be given to the Federal agency having jurisdiction over the property, facility, or activity involved, and the findings and recommendations of the hearing board conducting such hearing shall include references to any such discharges which are contributing to the pollution found by such board.

(b)(1) Any applicant for a Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters of the United States, shall provide the licensing or permitting agency a certification from the State in which the discharge originates or will originate, or, if appropriate, from the interstate water pollution control agency having jurisdiction over the navigable waters at the point where the discharge originates or will originate, that there is reasonable assurance, as determined by the State or interstate agency that such activity will be conducted in a manner which will not violate applicable water quality standards. Such State or interstate agency shall establish procedures for public notice in the case of all applications for certification by it, and to the extent it deems appropriate, procedures for public hearings in connection with specific applications. In any case where such standards have been promulgated by the Secretary pursuant to section 10(c) of this Act, or where a State or interstate agency has no authority to give such a certification, such certification shall be from the Secretary. If the State, interstate agency, or Secretary, as the case may be, fails or refuses to act on a request for certification, within a reasonable period of time (which shall not exceed one year) after receipt of such request, the certification requirements of this subsection shall be waived with respect to such Federal application. No license or permit shall be granted until the certification required by this section has been obtained or has been waived as provided in the preceding sentence. No license or permit shall be granted if certification has been denied by the State, interstate agency, or the Secretary, as the case may be.

(2) Upon receipt of such application and certification the licensing or permitting agency shall immediately notify the Secretary of such application and certification. Whenever such a discharge may affect, as determined by the Secretary, the quality of the waters of any other State, the Secretary within thirty days of the date of notice of application for such Federal license or permit shall so notify such other State, the licensing or permitting agency, and the applicant. If, within sixty days after receipt of such notification, such other State determines that such discharge will affect the quality of its waters so as to violate its water quality standards, and within such sixty-day period notifies the Secretary and the licensing or permitting agency in writing of its objection to the issuance of such license or permit and requests a public hearing on such objection, the licensing or permitting agency shall hold such a hearing. The Secretary shall at such hearing submit his evaluation and recommendations with respect to any such objection to the licensing or permitting agency. Such agency, based upon the recommendations of such State, the Secretary, and upon any additional evidence, if any, presented to the agency at the hearing, shall condition such license or permit in such manner as may be necessary to insure compliance with applicable water quality standards. If the imposition of conditions cannot insure such compliance such agency shall not issue such license or permit.

(3) The certification obtained pursuant to paragraph (1) of this subsection with respect to the construction of any facility shall fulfill the requirements of this subsection with respect to certification in connection with any other Federal license or permit required for the operation of such facility unless, after notice to the certifying State agency, or Secretary, as the case may be, which shall be given by the Federal agency to whom application is made for such operating license or permit, the State, or if appropriate, the interstate agency or the Secretary, notifies such agency within sixty days after receipt of such notice that there is no longer reasonable assurance that there will be compliance with applicable water quality standards because of changes since the construction license or construction or operation of the facility, (B) permit certification was issued in (A) the the characteristics of the waters into which such discharge is made, or (C) the water quality standards applicable to such waters. This paragraph shall be inapplicable in any case where the applicant for such operating license or permit has failed to provide the certifiying State, or if appropriate, the interstate agency or the Secretary, with notice of any proposed changes in the construction or operation of the facility with respect to which a construction license or permit has been granted which changes may result in violation of applicable water quality standards.

(4) Prior to the initial operation of any federally licensed or permitted facility or activity which may result in any discharge into the navigable waters of the United States and with respect to which a certification has been obtained pursuant to paragraph (1) of this subsection, which facility or activity is not subject to a Federal operating license or permit, the licensee or permittee shall provide an opportunity for such certifying State, or if appropriate, the interstate agency or the Secretary to review the manner in which the facility or activity shall be operated or conducted for the purposes of assuring that applicable water quality standards will not be violated. Upon notification by the certifying State, or if appropriate, the interstate agency or the Secretary that the operation of any such federally licensed or permitted facility

or activity will violate applicable water quality standards, such Federal agency may, after public hearing, suspend such license or permit. If such license or permit is suspended, it shall remain suspended until notification is received from the certifying State, agency, or Secretary, as the case may be, that there is reasonable assurance that such facility or activity will not violate applicable water quality standards.

(5) Any Federal license or permit with respect to which a certification has been obtained under paragraph (1) of this subsection may be suspended or revoked by the Federal agency issuing such license or permit upon the entering of a judgment under section 10(h) of this Act that such facility or activity has been operated in violation of applicable water quality standards.

(6) No Federal agency shall be deemed to be an applicant for the purposes of this subsection.

(7) In any case where actual construction of a facility has been lawfully commenced prior to the date of enactment of the Water Quality Improvement Act of 1970, no certification shall be required under this subsection for a license or permit issued after the date of enactment of such Act of 1970 to operate such facility, except that any such license or permit issued without certification shall terminate at the end of the three-year period beginning on the date of enactment of such Act of 1970 unless prior to such termination date the person having such license or permit submits to the Federal agency which issued such license or permit a certification and otherwise meets the requirements of this subsection.

(8) Except as provided in paragraph (7), any application for a license or permit (A) that is pending on the date of enactment of the Water Quality Improvement Act of 1970 and (B) that is issued within one year following such date of enactment shall not require certification pursuant to this subsection for one year following the issuance of such license or permit, except that any such license or permit issued shall terminate at the end of one year unless prior to that time the licensee or permittee submits to the Federal agency that issued such license or permit a certification and otherwise meets the requirements of this subsection.

(9)(A) In the case of any activity which will affect water quality but for which there are no applicable water quality standards, no certification shall be required under this subsection, except that the licensing or permitting agency shall impose, as a condition of any license or permit, a requirement that the licensee or permittee shall comply with the purposes of this Act.

(B) Upon notice from the State in which the discharge originates or, as appropriate, the interstate agency or the Secretary, that such licensee or permittee has been notified of the adoption of water quality standards applicable to such activity and has failed, after reasonable notice, of not less than six months, to comply with such standards, the license or permit shall be suspended until notification is received from such State or interstate agency or the Secretary that there is reasonable assurance that such activity will comply with applicable water quality standards.

(C) Nothing in this section shall be construed to limit the authority to any department or agency pursuant to any other provision of law to require compliance with applicable water quality standards. The Secretary shall, upon the request of any Federal department or agency, or State or interstate agency, or applicant, provide, for the purpose of this section, any relevant information on applicable water quality standards, and shall, when requested by any such department or agency or State or interstate agency, or applicant, comment on any methods to comply with such standards.

(d) In order to implement the provisions of this section, the Secretary of the Army, acting through the Chief of Engineers, is authorized, if he deems it to be in the public interest, to permit the use of spoil disposal areas under his jurisdiction by Federal licensees or permittees, and to make an appropriate charge for such use. Moneys received from such licensees or permittees shall be deposited in the Treasury as miscellaneous receipts.

ADMINISTRATION

SEC. [12] *22.* (a) The Secretary is authorized to prescribe such regulations as are necessary to carry out his functions under this Act.

(b) The Secretary, with the consent of the head of any other agency of the United States, may utilize such officers and employees of such agency as may be found necessary to assist in carrying out the purposes of this Act.

(c) There are hereby authorized to be appropriated to the Department of Health, Education, and Welfare such sums as may be necessary to enable it to carry out its functions under this Act.

(d) Each recipient of assistance under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(a) The Secretary of Health, Education, and Welfare and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this Act.

(f)(1) It is the purpose of this subsection to authorize a program which will provide official recognition by the United States Government to those industrial organizations and political subdivisions of States which during the preceding year demonstrated an outstanding technological achievement or an innovative process, method or device in their waste treatment and pollution abatement programs. The Secretary shall, in consultation with the appropriate State water pollution control agency, establish regulations under which such recognition may be applied for and granted, except that no applicant shall be eligible for an award under this subsection if such applicant is not in total compliance with all applicable water quality standards under this Act, and otherwise does not have a satisfactory record with respect to environmental quality.

(2) The Secretary shall award a certificate or plaque of suitable design to each industrial organization or political subdivision which qualifies for such recognition under regulations established by this subsection.

(3) The President of the United States, the Governor of the appropriate State, the Speaker of the House of Representatives, and the President pro tempore of the Senate shall be notified of the award by the Secretary, and the awarding of such recognition shall be published in the Federal Register.

DEFINITIONS

SEC. [13] *33.* When used in this Act:

(a) The term "State water pollution control agency" means the State health authority, except that, in the case of any State in which there is a single State agency, other than the State health authority, charged with responsibility for enforcing State laws relating to the abatement of water pollution, it means such other State agency.

(b) The term "interstate agency" means an agency of two or more States established by or pursuant to an agreement or compact approved by the Congress, or any other agency of two or more States, having substantial powers or duties pertaining to the control of pollution of waters.

(c) The term "treatment works" means the various devices used in the treatment of sewage or industrial wastes of a liquid nature, including the necessary intercepting sewers, outfall sewers, pumping, power, and other equipment, and their appurtenances, and includes any extensions, improvements, remodeling, additions, and alterations thereof.

(d) The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

(e) The term "interstate waters" means all rivers, lakes, and other waters that flow across or form a part of State boundaries, including coastal waters.

(f) The term "municipality" means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, and an Indian tribe or an authorized Indian tribal organization.

OTHER AUTHORITY NOT AFFECTED

SEC. [14] *24.* This Act shall not be construed as (1) superseding or limiting the functions, under any other law, of the Surgeon General or of the Public Health Service, or of any other officer or agency of the United States, relating to water pollution, or (2) affecting or impairing the provisions of [the Oil Pollution Act, 1924, or] sections 13 through 17 of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors and for other purposes", approved March 3, 1899, as amended, or (3) affecting or impairing the provisions of any treaty of the United States.

SEPARABILITY

SEC. [15] *25.* If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

SEC. [16] *26.* (a) In order to provide the basis for evaluating programs authorized by this Act, the development of new programs, and to furnish the Congress with the information necessary for authorization of appropriation for fiscal years beginning after June 30, 1968, the Secretary, in cooperation with State water pollution control agencies and other water pollution control planning agencies, shall make a detailed estimate of the cost of carrying out the provisions of this Act; a comprehensive study of the economic impact on affected units of government of the cost of installation of treatment facilities; and a comprehensive analysis of the national requirements for and the cost of treating municipal, industrial, and other effluent to attain such water quality standards as established pursuant to this Act or applicable State law. The Secretary shall submit such detailed estimate and such comprehensive study of such cost for the five-year period beginning July 1, 1968, to the Congress no later than January 10, 1968, such study to be updated each year thereafter.

(b) The Secretary shall also make a complete investigation and study to determine (1) the need for additional trained State and local personnel to carry out programs assisted pursuant to this Act and other programs for the same purpose as this Act, and (2) means of using existing Federal training programs to train such personnel. He shall report the result of such investigation and study to the President and the Congress not later than July 1, 1967.

[SEC. 17. The Secretary of the Interior shall, in consultation with the Secretary of the Army, the Secretary of the department in which the Coast Guard is operating, the Secretary of Health, Education, and Welfare, and the Secretary of Commerce, conduct a full and complete investigation and study of the extent of the pollution of all navigable waters of the United States from litter and sewage discharged, dumped, or otherwise deposited into such waters from watercraft using such waters, and methods of abating either in whole or in part such pollution. The Secretary shall submit a report of such investigation to Congress, together with his recommendations for any necessary legislation, not later than July 1, 1967.

[SEC. 18. The Secretary of the Interior shall conduct a full and complete investigation and study of methods for providing incentives designed to assist in the construction of facilities and works by industry designed to reduce or abate water pollution. Such study shall include, but not be limited to, the possible use of tax incentives as well as other methods of financial assistance. In carrying out this study the Secretary shall consult with the Secretary of the Treasury as well as the head of any other appropriate department or agency of the Federal Government. The Secretary shall report the results of such investigation and study, together with his recommendations, to the Congress not later than January 30, 1968.]

SHORT TITLE

SEC. [19] 27. This Act may be cited as the "Federal Water Pollution Control Act".

AMENDING THE FOREIGN MILITARY SALES ACT

Mr. YOUNG. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 879 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 879

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act. After general debate, which shall be confined to the bill and shall continue no to to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Texas (Mr. YOUNG) is recognized for 1 hour.

Mr. YOUNG. Mr. Speaker, I yield to the distinguished gentleman from Ohio (Mr. LATTA) 30 minutes, pending which I yield myself such time as I may consume.

(Mr. YOUNG asked and was given permission to revise and extend his remarks.)

Mr. YOUNG. Mr. Speaker, House Resolution 879 provides an open rule with 1 hour of general debate for consideration of H.R. 15628 to amend the Foreign Military Sales Act.

The Foreign Military Sales Act of 1968 authorizes sales of defense articles and services by the United States to friendly foreign countries and international organizations.

Funds authorized by H.R. 15628 are to finance credit sales or guarantees, all of which are repayable in dollars. Interest is normally charged at the same rate the United States must pay on money it borrows.

Most military sales are made for cash to the developed countries of Western Europe and Japan.

The bill amends the act by deleting obsolete authorization and aggregate ceiling figures and substituting an authorization of $275 million of new obligational authority and an aggregate ceiling of $350 million for 1970; $272,500,000 obligational and $385 million aggregate for each of fiscal year years 1971 and 1972.

The act is amended as to illegal seizure of American fishing vessels to make it clear that an unlawful seizure will make the seizing country ineligible for further contracts of credits or guaranty as well as for further contracts for sale.

The President is authorized to waive the restriction when he receives reasonable assurances that further violations will not occur.

Mr. Speaker, I urge the adoption of House Resolution 879 in order that H.R. 15628 may be considered.

The SPEAKER. The Chair recognizes the gentleman from Ohio (Mr. LATTA).

(Mr. LATTA asked and was given permission to revise and extend his remarks.)

Mr. LATTA. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, I agree with the statement just made by my colleague, the gentleman from Texas (Mr. YOUNG).

I would hasten to point out and emphasize the fact that all of these sales and guarantees are repayable in dollars and at interest rates equal to what the United States must pay on money it borrows.

This is something new and I think it should be followed on all of our loans.

The purpose of the bill is to extend for 2 years—fiscal 1971 and 1972—the program of credit sales of U.S. military equipment.

Most sales to Western Europe and Japan are made for cash and are not affected by this legislation.

Foreign military sales to selected countries are in the national security interests of the United States and are an important instrument of U.S. foreign policy.

The bill authorizes $275,000,000 in new spending with an aggregate ceiling on all loans and guarantees of $350,000,000 for fiscal 1970. For both fiscal 1971 and 1972, the bill authorizes appropriations of $272,500,000 with a ceiling of $385,000,000. These figures are those requested by the Department of State for fiscal 1971. The committee believes the same figures should also be applied to 1972.

The bill continues certain restrictions now in the law and extends them through fiscal 1972. These include a ceiling of $75,000,000 of total credit sales to all Latin American countries in each fiscal year, and a ceiling of $40,000,000 for all African countries.

It is estimated that total military sales in fiscal 1971 will reach $1,974,500,000, of which $385,000,000 will be credit sales covered by this bill; $416,000,000 will be sold through commercial sales and $1,173,000,000 will be cash sales.

Section 5 of the bill expresses the sense of Congress that the President should negotiate with Russia and other interested parties, an arms shipments limitation agreement for the Middle East. The section also expresses support for the President's position that Israel and other friendly countries in the area should continue to be supplied with arms to insure their security and independence.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I am happy to yield to the gentleman.

Mr. GROSS. What does the gentleman say is the total commitment under this bill?

Mr. LATTA. The total authorization of the bill is $275,000,000 in new spending, which brings the aggregate guarantee to $350,000,000 for the fiscal year 1970.

The bill authorizes appropriations of $272,500,000 for fiscal years 1971 and 1972, with a ceiling of $385,000,000.

Mr. GROSS. That is $272,500,000 for 2 years. Is that a commitment for $545,000,000?

Mr. LATTA. You have to take into consideration the ceiling of $385,000,000 which cannot be exceeded. We cannot lose sight of the fact that these sales are for dollars and they go into the U.S. Treasury and the interest rates charged are same that the United States is paying for money that it borrows. I think the gentleman should agree with this policy.

Mr. GROSS. Well, what do we do if a country refuses to pay? These are credit sales. What happens if a country for some reason or another refuses to pay?

Mr. LATTA. I think probably, as we have in the past, Uncle Sam carries the debt and hopes that at some time in the future we will be paid.

Mr. GROSS. That is, they are sold on terms of repayment in dollars I guess, and there is the commitment to pay. But the question I want someone to answer is what happens if they refuse to pay? Do we go in with armed forces and try to collect—or what is the story?

Mr. LATTA. I do not think anything was brought up before the Committee on Rules as to what we would do in such an event. It was pointed out that this has been one of the most successful programs tht we have insofar as repayment is concerned.

Mr. GROSS. I thank the gentleman.

Mr. ADAIR. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I am glad to yield to the gentleman from Indiana, the ranking Republican member of the Committee on Foreign Affairs.

Mr. ADAIR. Mr. Speaker, the answer to the question of the gentleman from Iowa is that up to this time the record of repayment has been very good indeed.

and there has been no need for any such activity as that suggested. We would hope, and I think it is reasonable to expect that the present rate of repayment would continue.

Mr. LATTA. I thank the gentleman. I have no further requests for time.

Mr. YOUNG. Mr. Speaker, I have no further requests for time.

I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. MORGAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE HOUSE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 15628, with Mr. BROOKS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. MORGAN) will be recognized for 30 minutes, and the gentleman from Indiana (Mr. ADAIR) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. MORGAN. Mr. Chairman, I yield myself 10 minutes.

(Mr. MORGAN asked and was given permission to revise and extend his remarks.)

Mr. MORGAN. Mr. Chairman, I rise in support of H.R. 15628, a bill to amend the Foreign Military Sales Act.

The bill authorizes an appropriation of $275 million for fiscal year 1970 and $272.5 million for each of the fiscal years 1971 and 1972. The authorization for fiscal year 1969 was $296 million.

This money will be used to finance credit sales of defense articles and services to friendly foreign countries and international organizations. All proceeds from such sales are repayable in dollars and will be paid into the U.S. Treasury. Prior to enactment of the Foreign Military Sales Act in October 1968, payments from such sales were paid into a revolving fund and reused to finance additional credit sales. This revolving fund was terminated on June 30, 1968, as a result of an amendment to the Foreign Assistance Act of 1967.

The bill also sets a ceiling on the face amount of credit sales that can be made in each of the 3 years—$350 million in fiscal year 1970, and $385 million in each of the fiscal years 1971 and 1972. There are no ceilings on cash sales.

These ceilings are based upon Department of Defense estimates of what credit sales might be made. Since the decision to buy rests with the foreign government making the purchase, subject to approval by the United States, such sales forecasts are not precise. Therefore, total credit sales may be less than the aggregate ceiling. By law, however, such credit sales cannot exceed the authorized ceilings.

In the past, most of the military requirements of these countries were provided as grant military assistance under the military assistance program. Now there is an increasing number of countries whose economic condition enables them to purchase some if not all of their defense requirements. Some, on the other hand, cannot make the immediate cash outlays necessary to buy needed military equipment, and they cannot obtain the necessary credit unless it is provided or guaranteed by the U.S. Government. This bill will enable the Department of Defense under the supervision of the Department of State to make Government-to-Government sales of defense articles and services to selected less developed countries on credit terms or to guarantee purchases made through private commercial channels.

Most sales of defense articles and services are made for cash either by the Department of Defense or through private commercial channels. For example, it is estimated that cash sales by the Department of Defense or through private commercial sales will be approximately $1.5 billion in fiscal year 1970. The estimate for fiscal year 1971 is that cash sales will be about $1.6 billion. There are no estimates for fiscal year 1972 but it is anticipated that cash sales will be about the same or perhaps a little higher. Thus credit sales account for a relatively small percentage of U.S. military exports. In this connection, I would like to point out that sales made through commercial channels are licensed by the State Department but do not go through the Defense Department. This bill, therefore, places no legislative restrictions or ceilings on the commercial sale of defense articles and services.

The shift from military grant aid to foreign military sales has been one of the most encouraging aspects of our foreign assistance programs. For example, it is estimated that total military sales for the current fiscal year ending June 30 will be $1,898,200,000. By comparison, the total military assistance authorization and appropriation for fiscal year 1970 is $350 million, which is less than one-fifth of the total military sales figures. During the 1950's the United States was spending about $2 billion on military assistance, and sales were less than 20 percent of the grants.

This is a short bill. In detail it does not alter the authority contained in existing law. The authorization in this bill relates only to credit sales of defense articles and services which are very important to the security interests of the countries making such purchases.

Mr. Chairman, foreign military sales to selected countries on a controlled basis are also in the national security interests of the United States and are an important instrument of U.S. foreign policy.

In enacting the Foreign Military Sales Act, the Congress declared that the ultimate goal of the United States continues to be a world which is free from the scourge of war and the dangers and burdens of armaments. It was further stated that U.S. policy is to encourage regional arms control and disarmament agreements and to discourage arms races.

The Congress, however, recognized that some nations have legitimate defense needs in order to deter aggression and to provide the internal security necessary for the orderly development of democratic political, economical, and social institutions. This bill will enable the United States to make carefully selected and controlled sales of defense articles and services to those friendly foreign countries and allies that are capable of assuming a larger burden of their own defense.

One of the foreign policy objectives as announced by the President is to encourage the countries of the free world to make a greater contribution in providing for their own security. As Deputy Secretary of Defense David Packard told the committee:

> The best hope of reducing U.S. overseas involvement and expenditures lies in getting allied and friendly nations to do ever more than they are now doing in their own defense. To realize that hope, however, requires that we must continue, if requested, to give or sell them the tools they need for the bigger load we are urging them to assume.

Mr. Chairman, I share that hope. I look forward to the day when it will be possible to return American servicemen from overeas bases. A sound, adequate, and coordinated military assistance and sales program may help hasten the time when the free nations of the world will be able to defend themselves without the presence of U.S. forces.

I believe that it is in the national interests to have a foreign military sales program. On the other hand, I do not believe that the U.S. should go around the world selling arms for the sake of selling arms. This is neither the intent nor the purpose of the Foreign Military Sales Act.

I was, therefore, gratified to learn that the Secretary of Defense in outlining U.S. sales policies wrote:

> We will sell equipment to our friends and allies where and when and only to the extent needed; we will urge no friend or ally to purchase U.S. equipment when it is not needed, when there are better alternatives or when there are higher priority social and economic claims against limited funds.

In my opinion, this is a moderate and realistic approach to the arms sales programs and one which the Congress should support.

Mr. Chairman, this is not a realistic assumption. Other countries do sell arms and are increasing the quantities that they will sell. Unfortunately, it appears that the idea is to get as much business as is possible without regard for the economic conditions of a country, without regard for its ability to pay, and without regard for the legitimate defense requirements of the country making the purchase.

This is one of the dilemmas facing the United States in its arms sales program. While U.S. policy is to hold down on the sale of defense articles and services, either through legislative restrictions or

The Government appeal would be a ball game with only one team, the Government, represented. The ultimate results of such a procedure are difficult to imagine, but in view of the posture of the present Justice Department, they will obviously militate against the rights of us all.

Although I have come nowhere near exhausting the list of deficiencies in this bill, I will mention just one further item at this time. The Department, in another gesture toward the police state around the corner, would make the policeman the unjustified beneficiary of his own unlawful action. Believe it or not, if any citizen in this city sues a policeman for unlawful arrest and wins his suit by showing that the police officer did indeed violate the law, the innocent citizen must nevertheless pay the lawbreaking policeman's attorney fees. This is not merely discretionary, which would be outrageous in itself. It is mandatory to pay the policeman's lawyer's fees even if the plaintiff wins.

I recognize full well that law and order has become a great political issue. But, in this year of our Lord 1970, and in future election years, it behooves the Members of this body to be chary of broad grants of power to those who control the machinery of Federal justice.

For the security of the individual rights of all generations to come, we must stem the eagerness of aspiring politicians in the executive branch who are charged with fulfilling election promises to fight crime, and who in their zeal, seize upon unconstitutional means to gain temporary political advantages.

I yield to no man in my desire to deal effectively with the crime crisis we face. Yet this crisis cannot justify the passage of bills such as this.

Mr. COOPER. Mr. President, will the Senator from Maryland yield?

Mr. TYDINGS. I am delighted to yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, I understand that the pending business is the conference report on the District of Columbia crime bill.

Mr. TYDINGS. Does the Senator from Kentucky understand the procedure which we are following now?

Mr. COOPER. I just came on the floor.

Mr. TYDINGS. What we are doing is substituting for the House-passed bill that came over, the Senate bills which we passed last year, together with 11 amendments which are relatively minor in nature. We will put those in the bill and send them back and ask for a conference, so that when we go to conference we will go to conference on the Senate bills which we passed last year. The House will also go to conference with the bill which it passed this year, and then the issue will be joined.

Mr. COOPER. I must say that I was not on the floor when the District of Columbia crime bills were passed by the Senate. I think some were passed by a voice vote.

Mr. TYDINGS. There were five different bills which passed over a period of 2 or 3 months. Thus, it is not one bill but several.

Mr. COOPER. I read in a newspaper account of some of the provisions in the bill——

Mr. TYDINGS. Is the Senator speaking of the House bill?

Mr. COOPER. Yes, and the Senate bill also. I would like to ask the Senator, does the Senate version contain the so-called no-knock provision?

Mr. TYDINGS. The Senate bill has the provision for the no-knock in it which we amended, which was not the administration's bill, and which was not the House provision, but which was the basis of the Griffin amendment when we passed the narcotics bill, where we inserted the word "will" for "may."

Mr. COOPER. The provision in the Senate drug bill, then, is similar to the provision in the District of Columbia crime bill which is before the Senate now; that is, the so-called no-knock provision which is similar to the one that was placed in a bill by the Senator from Michigan (Mr. GRIFFIN)?

Mr. TYDINGS. The Senator is correct.

Mr. COOPER. Does the Senate bill contain the provision for the 60-day detention period that could be imposed by judges who believe someone may have committed a crime?

Mr. TYDINGS. No. That is not in the bill. There is no preventive detention proposal. That is in the House version. And, of course, the House version of the no-knock provision is in language that is different from ours.

Mr. ERVIN. Mr. President, if the distinguished Senator would yield, I should like to correct a statement about the no-knock provision.

This bill has a no-knock provision in it the likes of which has never been heard.

The House-passed bill provides that announcement of the identity and purpose of the officer shall not be required prior to such breaking and entering if the warrant expressly authorizes entry without notice.

They can just put it in the warrant. They do not have to have any notice given to the occupants of the building of the presence and purpose of the officer. He can just go ahead and break in without further ado.

It also has a provision that an entry obtained by trick and strategem shall not be equivalent to breaking and entering.

The Supreme Court of the United States held expressly to the contrary in Gould against United States, that where entrance was gained to the house under the pretense of a visit to the house, that the entry in that case was just as much without consent as if there had been a breaking and entering without permission.

Nevertheless, the bill undertakes to authorize an entry by trick or stratagem. So, as I said before, this bill is just as full of unwise and unconstitutional provisions as a mangy hound dog is full of fleas.

Mr. COOPER. The Senator is talking about the House bill?

Mr. ERVIN. I am talking about the House bill. I do not think the Senate would pass a bill like this.

Mr. COOPER. This Senate bill will go to conference and we may be called upon to vote upon the House bill, which contains a no-knock provision and also the 60-day detention provision.

Mr. TYDINGS. Mr. President, I assure the Senator from Kentucky that the conferees will represent the Senate version in conference.

Mr. COOPER. Mr. President, I think we all want better law enforcement in the District of Columbia. Although I am not a member of the Committee on the Judiciary, I have studied various crime bills throughout my years in the Senate. It seems to me that in the last few years a great many of these bills have contained provisions which the courts have never sustained, but have criticized strongly, and which increasingly encroach upon the rights of individuals.

I have tried to follow my colleague, the Senator from North Carolina (Mr. ERVIN) on these matters. I think he is right.

I think we have passed bills containing these doubtful provisions. I think it is a very bad course that we are taking.

I know that the Senator from Maryland has worked very hard on these bills. I hope that he will fight meaningfully in the conference against those provisions which are of doubtful legality.

Mr. ERVIN. Mr. President, there are other provisions of the bill relating to mandatory sentences. Mandatory sentences would apply, for instance, for 2d and 3d convictions, regardless of whether the individual had been pardoned. Four separate attempts are made to alter the effect of a presidential pardon or a pardon issued by the Governor of a State.

If the case of Klein against the United States—which the Senator from Maryland and I discussed on a previous occasion—is still the law, and I believe it is, this provision for mandatory sentences represents an unconstitutional attempt to place limitations upon the effect of Presidential or Governors' pardoning powers.

Another provision in the bill allows a prosecuting attorney to appeal on a point of law during the course of the trial and, without consent, to postpone hearing the witnesses until the appellate court passes on the question. Under this procedure, the court could order a mistrial. Certainly ordering a mistrial under those circumstances would be a violation of the double jeopardy provision.

The bill provides for such an appeal after the trial is over even if there is an acquittal. Until the jurisdictional transfer in the court reorganization bill is complete, and the trial of local District crimes, as distinguished from Federal crimes, passes into the jurisdiction of the superior court, that provision for appeals by the government after acquittal certainly would be a violation of the third article of the Constitution, which requires a case of controversy between adverse litigants to give jurisdiction to that court. An appeal in which only the government is represented would be a request for an advisory opinion, which violates article III.

I have never heard of anything like that provision. I think this is the first time it has ever been proposed anywhere.

So it proves that there is something new under the sun.

Mr. HART. Mr. President, the able senior Senator from North Carolina (Mr. ERVIN) has voiced eloquently my own concerns with respect to the bill presented to us.

Mr. TYDINGS. Mr. President, I think the remarks of the Senator from North Carolina are well founded.

We took those provisions out of the original proposal when it was before the Senate. I look forward to the support of the Senator from North Carolina and, indeed, the advice and legal counsel of the members of the Senate when we meet with the House in this vital area.

I look forward to the support and the assistance of the Senator from Nebraska (Mr. HRUSKA).

Mr. President, I now move that the Senate concur in the amendments of the House of Representatives to S. 2601 with an amendment in the nature of a substitute.

The amendment to the House amendments is as follows:

[Due to mechanical limitations, the text of Senate amendment to House amendments to the bill (S. 2601) will be printed in a subsequent issue of the CONGRESSIONAL RECORD.]

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maryland.

The motion was agreed to.

Mr. TYDINGS. Mr. President, I move that the Senate insist on its amendment to the House amendment and ask for a conference with the House on the disagreeing votes of the two Houses thereon. and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. TYDINGS, Mr. BIBLE, Mr. SPONG, Mr. EAGLETON, Mr. PROUTY, Mr. GOODELL, and Mr. MATHIAS conferees on the part of the Senate.

EXTENSION OF PROGRAMS OF ASSISTANCE FOR ELEMENTARY AND SECONDARY EDUCATION—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

Mr. PELL. Mr. President, what is the pending business?

The PRESIDING OFFICER. The question is on agreeing to the conference report on elementary and secondary education.

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. PELL. Mr. President, I ask unanimous consent that the pending conference report on elementary and secondary education be temporarily laid aside for a period not to exceed 10 minutes, so that we may proceed to the consideration of the conference report on water pollution which will require a rollcall vote.

Mr. JAVITS. Mr. President, reserving the right to object, I have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Mr. President, at the expiration of the time stipulated in the unanimous-consent request, will the pending conference report on elementary and secondary education automatically be the pending business?

The PRESIDING OFFICER. That is correct.

Mr. JAVITS. I thank the Presiding Officer. I have no objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Rhode Island? The Chair hears no objection, and it is so ordered.

The Senator from Maine is recognized.

AMENDMENT OF FEDERAL WATER POLLUTION CONTROL ACT, AS AMENDED—CONFERENCE REPORT

Mr. MUSKIE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4148) to amend the Federal Water Pollution Control Act, as amended, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report, as follows:

CONFERENCE REPORT (H. REPT. No. 91-940)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4148) to amend the Federal Water Pollution Control Act, as amended, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

TITLE I—WATER QUALITY IMPROVEMENT

SEC. 101. This title may be cited as the "Water Quality Improvement Act of 1970".

SEC. 102. Existing sections 17 and 18 of the Federal Water Pollution Control Act, as amended, are hereby repealed. Section 19 of such Act is redesignated as section 27. Sections 11 through 16 of such Act are redesignated as sections 21 through 26, respectively. Such Act is further amended by inserting after section 10 the following new sections:

"CONTROL OF POLLUTION BY OIL

"SEC. 11. (a) For the purpose of this section, the term—

"(1) 'oil' means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil;

"(2) 'discharge' includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying or dumping;

"(3) 'vessel' means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water other than a public vessel;

"(4) 'public vessel' means a vessel owned or bare-boat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce;

"(5) 'United States' means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

"(6) 'owner or operator' means (A) in the case of a vessel, any person owning, operating, or chartering by demise, such vessel, and (B) in the case of an onshore facility, and an offshore facility, any person owning or operating such onshore facility or offshore facility, and (C) in the case of any abandoned offshore facility, the person who owned or operated such facility immediately prior to such abandonment;

"(7) 'person' includes an individual, firm, corporation, association, and a partnership;

"(8) 'remove' or 'removal' refers to removal of the oil from the water and shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches;

"(9) 'contiguous zone' means the entire zone established or to be established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone;

"(10) 'onshore facility' means any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under, any land within the United States other than submerged land;

"(11) 'offshore facility' means any facility of any kind located in, on, or under, any of the navigable waters of the United States other than a vessel or a public vessel;

"(12) 'act of God' means an act occasioned by an unanticipated grave natural disaster;

"(13) 'barrel' means 42 United States gallons at 60 degrees Fahrenheit.

"(b)(1) The Congress hereby declares that it is the policy of the United States that there should be no discharges of oil into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone.

"(2) The discharge of oil into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone in harmful quantities as determined by the President under paragraph (3) of this subsection, is prohibited, except (A) in the case of such discharges into the waters of the contiguous zone, where permitted under article IV of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended, and (B) where permitted in quantities and at times and locations or under such circumstances or conditions as the President may, by regulation, determine not to be harmful. Any regulations issued under this subsection shall be consistent with maritime safety and with marine and navigation laws and regulations and applicable water quality standards.

"(3) The President shall, by regulation, to be issued as soon as possible after the date of enactment of this paragraph, determine for the purposes of this section, those quantities of oil the discharge of which, at such

times, locations, circumstances, and conditions, will be harmful to the public health or welfare of the United States, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches, except that in the case of the discharge of oil into or upon the waters of the contiguous zone, only those discharges which threaten the fishery resources of the contiguous zone or threaten to pollute or contribute to the pollution of the territory or the territorial sea of the United States may be determined to be harmful.

"(4) Any person in charge of a vessel or of an onshore facility or an offshore facility shall, as soon as he has knowledge of any discharge of oil from such vessel or facility in violation of paragraph (2) of this subsection, immediately notify the appropriate agency of the United States Government of such discharge. Any such person who fails to notify immediately such agency of such discharge shall, upon conviction, be fined not more than $10,000, or imprisonment for not more than one year, or both. Notification received pursuant to this paragraph or information obtained by the exploitation of such notification shall not be used against any such person in any criminal case, except a prosecution for perjury or for giving a false statement.

"(5) Any owner or operator of any vessel, onshore facility, or offshore facility from which oil is knowingly discharged in violation of paragraph (2) of this subsection shall be assessed a civil penalty by the Secretary of the department in which the Coast Guard is operating of not more than $10,000 for each offense. No penalty shall be assessed unless the owner or operator charged shall have been given notice and opportunity for a hearing on such charge. Each violation is a separate offense. Any such civil penalty may be compromised by such Secretary. In determining the amount of the penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the owner or operator charged, the effect on the owner or operator's ability to continue in business, and the gravity of the violation, shall be considered by such Secretary. The Secretary of the Treasury shall withhold at the request of such Secretary the clearance required by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C. 91), of any vessel the owner or operator of which is subject to the foregoing penalty. Clearance may be granted in such cases upon the filing of a bond or other surety satisfactory to such Secretary.

"(c)(1) Whenever any oil is discharged, into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone, the President is authorized to act to remove or arrange for the removal of such oil at any time, unless he determines such removal will be done properly by the owner or operator of the vessel, onshore facility, or offshore facility from which the discharge occurs.

"(2) Within sixty days after the effective date of this section, the President shall prepare and publish a National Contingency Plan for removal of oil pursuant to this subsection. Such National Contingency Plan shall provide for efficient, coordinated, and effective action to minimize damage from oil discharges, including containment, dispersal, and removal of oil, and shall include, but not be limited to—

"(A) assignment of duties and responsibilities among Federal departments and agencies in coordination with State and local agencies, including, but not limited to, water pollution control, conservation, and port authorities;

"(B) identification, procurement, maintenance, and storage of equipment and supplies;

"(C) establishment or designation of a strike force consisting of personnel who shall be trained, prepared, and available to provide necessary services to carry out the Plan, including the establishment at major ports, to be determined by the President, of emergency task forces of trained personnel, adequate oil pollution control equipment and material, and a detailed oil pollution prevention and removal plan;

"(D) a system of surveillance and notice designed to insure earliest possible notice of discharges of oil to the appropriate Federal agency;

"(E) establishment of a national center to provide coordination and direction for operations in carrying out the Plan;

"(F) procedures and techniques to be employed in identifying, containing, dispersing, and removing oil; and

"(G) a schedule, prepared in cooperation with the States, identifying (i) dispersants and other chemicals, if any, that may be used in carrying out the Plan, (ii) the waters in which such dispersants and chemicals may be used, and (iii) the quantities of such dispersant or chemical which can be used safely in such waters, which schedule shall provide in the case of any dispersant, chemical, or waters not specifically identified in such schedule that the President, or his delegate, may, on a case-by-case basis, identify the dispersants and other chemicals which may be used, the waters in which they may be used, and the quantities which can be used safely in such waters.

The President may, from time to time, as he deems advisable, revise or otherwise amend the National Contingency Plan. After publication of the National Contingency Plan, the removal of oil and actions to minimize damage from oil discharges shall, to the greatest extent possible, be in accordance with the National Contingency Plan.

"(d) Whenever a marine disaster in or upon the navigable waters of the United States has created a substantial threat of a pollution hazard ot the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife and the public and private shorelines and beaches of the United States, because of a discharge, or an imminent discharge, of large quantities of oil from a vessel the United States may (A) coordinate and direct all public and private efforts directed at the removal or elimination of such threat; and (B) summarily remove, and, if necessary, destroy such vessel by whatever means are available without regard to any provision of law governing the employment of personnel or the expenditure of appropriated funds. Any expense incurred under this subsection shall be a cost incurred by the United States Government for the purposes of subsection (f) in the removal of oil.

"(e) In addition to any other action taken by a State or local government, when the President determines there is an imminent and substantial threat to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife and public and private property, shorelines, and beaches within the United States, because of an actual or threatened discharge of oil into or upon the navigable waters of the United States from an onshore or offshore facility, the President may require the United States attorney of the district in which the threat occurs to secure such relief as may be necessary to abate such threat, and the district courts of the United States shall have jurisdiction to grant such relief as the public interest and the equities of the case may require.

"(f)(1) Except where an owner or operator can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any vessel from which oil is discharged in violation of subsection (b)(2) of this section shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil by the United States Government in an amount not to exceed $100 per gross ton of such vessel or $14,000,000, whichever is lesser, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. Such costs shall constitute a maritime lien on such vessel which may be recovered in an action in rem in the district court of the United States for any district within which any vessel may be found. The United States may also bring an action against the owner or operator of such vessel in any court of competent jurisdiction to recover such costs.

"(2) Except where an owner or operator of an onshore facility can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any such facility from which oil is discharged in violation of subsection (b)(2) of this section shall be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil by the United States Government in an amount not to exceed $8,000,000, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. The United States may bring an action against the owner or operator of such facility in any court of competent jurisdiction to recover such costs. The Secretary is authorized, by regulation, after consultation with the Secretary of Commerce and the Small Business Administration, to establish reasonable and equitable classifications of those onshore facilities having a total fixed storage capacity of 1,000 barrels or less which he determines because of size, type, and location do not present a substantial risk of the discharge of oil in violation of subsection (b)(2) of this section, and apply with respect to such classifications differing limits of liability which may be less than the amount contained in this paragraph.

"(3) Except where an owner or operator of an offshore facility can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any such facility from which oil is discharged in violation of subsection (b)(2) of this section shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil by the United States Government in an amount not to exceed $8,000,000, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. The United States may bring an action against the owner or operator of such a facility in any court of competent jurisdiction to recover such costs.

"(g) In any case where an owner or operator of a vessel, of an onshore facility, or

of an offshore facility, from which oil is discharged in violation of subsection (b)(2) of this section proves that such discharge of oil was caused solely by an act or omission of a third party, or was caused solely by such an act or omission in combination with an act of God, an act of war, or negligence on the part of the United States Government, such third party shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for removal of such oil by the United States Government, except where such third party can prove that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of another party without regard to whether such act or omission was or was not negligent, or any combination of the foregoing clauses. If such third party was the owner or operator of a vessel which caused the discharge of oil in violation of subsection (b)(2) of this section, the liability of such third party under this subsection shall not exceed $100 per gross ton of such vessel or $14,000,000, whichever is the lesser. In any other case the liability of such third party shall not exceed the limitation which would have been applicable to the owner or operator of the vessel or the onshore or offshore facility from which the discharge actually occurred, if such owner or operator were liable. If the United States can show that the discharge of oil in violation of subsection (b)(2) of this section was the result of willful negligence or willful misconduct within the privity and knowledge of such third party, such third party shall be liable to the United States Government for the full amount of such removal costs. The United States may bring an action against the third party in any court of competent jurisdiction to recover such removal costs.

"(h) The liabilities established by this section shall in no way affect any rights which (1) the owner or operator of a vessel or of an onshore facility or an offshore facility may have against any third party whose acts may in any way have caused or contributed to such discharge, or (2) the United States Government may have against any third party whose actions may in any way have caused or contributed to the discharge of oil.

"(i)(1) In any case where an owner or operator of a vessel or an onshore facility or an offshore facility from which oil is discharged in violation of subsection (b)(2) of this section acts to remove such oil in accordance with regulations promulgated pursuant to this section, such owner or operator shall be entitled to recover the reasonable costs incurred in such removal upon establishing, in a suit which may be brought against the United States Government in the United States Court of Claims, that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether such act or omission was or was not negligent, or of any combination of the foregoing clauses.

"(2) The provisions of this subsection shall not apply in any case where liability is established pursuant to the Outer Continental Shelf Lands Act.

"(3) Any amount paid in accordance with a judgment of the United States Court of Claims pursuant to this section shall be paid from the fund established pursuant to subsection (k).

"(j)(1) Consistent with the National Contingency Plan required by subsection (c)(2) of this section, as soon as practicable after the effective date of this section, and from time to time thereafter, the President shall issue regulations consistent with maritime safety and with marine and navigation laws (A) establishing methods and procedures for removal of discharged oil, (B) establishing criteria for the development and implementation of local and regional oil removal contingency plans, (C) establishing procedures, methods, and requirements for equipment to prevent discharges of oil from vessels and from onshore facilities and offshore facilities, and (D) governing the inspection of vessels carrying cargoes of oil and the inspection of such cargoes in order to reduce the likelihood of discharges of oil from such vessels in violation of this section.

"(2) Any owner or operator of a vessel or an onshore facility or an offshore facility and any other person subject to any regulation issued under paragraph (1) of this subsection who fails or refuses to comply with the provisions of any such regulation, shall be liable to a civil penalty of not more than $5,000 for each such violation. Each violation shall be a separate offense. The President may assess and compromise such penalty. No penalty shall be assessed until the owner, operator, or other person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the owner, operator, or other person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by the President.

"(k) There is hereby authorized to be appropriated to a revolving fund to be established in the Treasury not to exceed $35,000,000 to carry out the provisions of subsection (c), (i), and (l) of this section and section 12 of this Act. Any other funds received by the United States under this section shall also be deposited in said fund for such purposes. All sums appropriated to, or deposited in, said fund shall remain available until expended.

"(l) The President is authorized to delegate the administration of this section to the heads of those Federal departments, agencies, and instrumentalities which he determines to be appropriate. Any moneys in the fund established by subsection (k) of this section shall be available to such Federal departments, agencies, and instrumentalities to carry out the provisions of subsections (c) and (i) of this section and section 12 of this Act. Each such department, agency, and instrumentality, in order to avoid duplication of effort, shall, whenever appropriate, utilize the personnel, services, and facilities of other Federal departments, agencies, and instrumentalities.

"(m) Anyone authorized by the President to enforce the provisions of this section may, except as to public vessels, (A) board and inspect any vessel upon the navigable waters of the United States or the waters of the contiguous zone, (B) with or without a warrant arrest any person who violates the provisions of this section or any regulation issued thereunder in his presence or view, and (C) execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(n) The several district courts of the United States are invested with jurisdiction for any actions, other than actions pursuant to subsection (i)(1), arising under this section. In the case of Guam, such actions may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone, such actions may be brought in the United States District Court for the District of the Canal Zone.

"(o)(1) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel, or of any owner or operator of any onshore facility or offshore facility to any person or agency under any provision of law for damages to any publicly-owned or privately-owned property resulting from a discharge of any oil or from the removal of any such oil.

"(2) Nothing in this section shall be construed as preempting any State or political subdivision thereof from imposing any requirement or liability with respect to the discharge of oil into any waters within such State.

"(3) Nothing in this section shall be construed as affecting or modifying any other existing authority of any Federal department, agency, or instrumentality, relative to onshore or offshore facilities under this Act or any other provision of law, or to affect any State or local law not in conflict with this section.

"(p)(1) Any vessel over three hundred gross tons, including any barge of equivalent size, using any port or place in the United States or the navigable waters of the United States for any purpose shall establish and maintain under regulations to be prescribed from time to time by the President, evidence of financial responsibility of $100 per gross ton, or $14,000,000 whichever is the lesser, to meet the liability to the United States which such vessel could be subjected under this section. In cases where an owner or operator owns, operates, or charters more than one such vessel, financial responsibility need only be established to meet the maximum liability to which the largest of such vessels could be subjected. Financial responsibility may be established by any one of, or a combination of, the following methods acceptable to the President: (A) evidence of insurance, (B) surety bonds, (C) qualification as a self-insurer, or (D) other evidence of financial responsibility. Any bond filed shall be issued by a bonding company authorized to do business in the United States.

"(2) The provisions of paragraph (1) of this subsection shall be effective one year after the effective date of this section. The President shall delegate the responsibility to carry out the provisions of this subsection to the appropriate agency head within sixty days after the date of enactment of this section. Regulations necessary to implement this subsection shall be issued within six months after the date of enactment of this section.

"(3) Any claim for costs incurred by such vessel may be brought directly against the insurer or any other person providing evidence of financial responsibility as required under this subsection. In the case of any action pursuant to this subsection such insurer or other person shall be entitled to invoke all rights and defenses which would have been available to the owner or operator if an action had been brought against him by the claimant, and which would have been available to him if an action had been brought against him by the owner or operator.

"(4) The Secretary of Transportation, in consultation with the Secretaries of Interior, State, Commerce, and other interested Federal agencies, representatives of the merchant marine, oil companies, insurance companies, and other interested individuals and organizations, and taking into account the results of the application of paragraph (1) of this subsection, shall conduct a study of the need for and, to the extent determined necessary—

"(A) other measures to provide financial responsibility and limitation of liability with respect to vessels using the navigable waters of the United States;

"(B) measures to provide financial responsibility for all onshore and offshore facilities; and

"(C) other measures for limitation of liability of such facilities;

for the cost of removing discharged oil and paying all damages resulting from the discharge of such oil. The Secretary of Transportation shall submit a report, together with any legislative recommendations, to Congress and the President by January 1, 1971.

"CONTROL OF HAZARDOUS POLLUTING SUBSTANCES

"SEC. 12. (a) The President shall, in accordance with subsection (b) of this section, develop, promulgate, and revise as may be appropriate, regulations (1) designating as hazardous substances, other than oil as defined in section 11 of this Act, such elements and compounds which, when discharged in any quantity into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone, present an imminent and substantial danger to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, shorelines, and beaches; and (2) establishing, if appropriate, recommended methods and means for the removal of such substances.

"(b) Sections 551 through 559, inclusive (other than section 553(c)), and 701 through 706, inclusive, of title 5, Unitd States Code, shall apply to regulations issued under authority of this section.

"(c) In order to facilitate the removal, if appropriate, of any hazardous substance any person in charge of a vessel or of an onshore or offshore facility of any kind shall, as soon as he has knowledge of any discharge of such substance from such vessel or facility, immediately notify the appropriate agency of the United States of such discharge.

"(d) Whenever any hazardous substance is discharged into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone, unless removal is immediately undertaken by the owner or operator of the vessel or onshore or offshore facility from which the discharge occurs or which caused the discharge, pursuant to the regulations promulgated under this section, the President, if appropriate, shall remove or arrange for the removal thereof in accordance with such regulations. Nothing in this subsection shall be construed to restrict the authority of the President to act to remove or arrange for the removal of such hazardous substance at any time.

"(e) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel, onshore or offshore facility to any person or agency under any provision of law for damages to any publicly- or privately-owned property resulting from a discharge of any hazardous substance or from the removal of any such substance.

"(f)(1) For the purpose of this section the definitions in subsection (a) of section 11 of this Act shall be applicable to the provisions of this section, except as provided in paragraph (2) of this subsection:

"(2) For the purpose of this section, the term—

"(A) 'remove' or 'removal' refers to removal of the hazardous substances from the water and shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches;

"(B) 'owner or operator' means any person owning, operating, chartering by demise, or otherwise controlling the operations of, a vessel, or any person owning, operating, or otherwise controlling the operations of an onshore or offshore facility; and

"(C) 'offshore or onshore faiclity' means any facility of any kind and related appurtenances thereto which is located in, on, or under the surface of any land, or permanently or temporarily affixed to any land, including lands beneath the navigable waters of the United States and which is used or capable of use for the purpose of processing, transporting, producing, storing, or transferring for commercial purposes any hazardous substance designated under this section.

"(g) The President shall submit a report to the Congress, together with his recommendations, not later than November 1, 1970, on the need for, and desirability of, enacting legislation to impose liability for the cost of removal of hazardous substances discharged from vessels and onshore and offshore facilities subject to this section including financial responsibility requirements. In preparing this report, the President shall conduct an accelerated study which shall include, but not be limited to, the method and measures for controlling hazardous substances to prevent this discharge, and the most appropriate measures for (1) enforcement (including the imposition of civil and criminal penalties for discharges and for failure to notify) and (2) recovery of costs incurred by the United States if removal is undertaken by the United States. In carrying out this study, the President shall consult with the interested representatives of the various public and private groups that would be affected by such legislation as well as other interested persons.

"(h) Any moneys in the funds established by section 11 of this Act shall be available to the President to carry out the purposes of this section. In carrying out this section the President shall utilize the personnel, services, and facilities of Federal departments, agencies, and instrumentalities in such manner as will avoid duplication of effort.

"CONTROL OF SEWAGE FROM VESSELS

"SEC. 13. (a) For the purpose of this section, the term—

"(1) 'new vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which is initiated after promulgation of standards and regulations under this section;

"(2) 'existing vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which is initiated before promulgation of standards and regulations under this section;

"(3) 'public vessel' means a vessel owned or bareboat chartered and operated by the United States, by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce;

"(4) 'United States' includes the States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Canal Zone, and the Trust Territory of the Pacific Islands;

"(5) 'marine sanitation device' includes any equipment for installation on board a vessel which is designed to receive, retain, treat, or discharge sewage, and any process to treat such sewage;

"(6) 'sewage' means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

"(7) 'manufacture' means any person engaged in the manufacturing, assembling, or importation of marine sanitation devices or of vessels subject to standards and regulations promulgated under this section;

"(8) 'person' means an individual, partnership, firm, corporation, or association, but does not include an individual on board a public vessel;

"(9) 'discharge' includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

"(b)(1) As soon as possible, after the enactment of this section and subject to the provisions of section 5(j) of this Act, the Secretary, after consultation with the Secretary of the department in which the Coast Guard is operating, after giving appropriate consideration to the economic costs involved, and within the limits of available technology, shall promulgate Federal standards of performance for marine sanitation devices (hereafter in this section referred to as 'standards') which shall be designed to prevent the discharge of untreated or inadequately treated sewage into or upon the navigable waters of the United States from new vessels and existing vessels, except vessels not equipped with installed toilet facilities. Such standards shall be consistent with maritime safety and the marine and navigation laws and regulations and shall be coordinated with the regulations issued under this subsection by the Secretary of the department in which the Coast Guard is operating. The Secretary of the department in which the Coast Guard is operating shall promulgate regulations, which are consistent with standards promulgated under this subsection and with maritime safety and the marine and navigation laws and regulations, governing the design, construction, installation, and operation of any marine sanitation device on board such vessels.

"(2) Any existing vessel equipped with a marine sanitation device on the date of promulgation of initial standards and regulations under this section, which device is in compliance with such initial standards and regulations, shall be deemed in compliance with this section until such time as the device is replaced or is found not to be in compliance with such initial standards and regulations.

"(c)(1) Initial standards and regulations under this section shall become effective for new vessels two years after promulgation; and for existing vessels five years after promulgation. Revisions of standards and regulations shall be effective upon promulgation, unless another effective date is specified, except that no revision shall take effect before the effective date of the standard or regulation being revised.

"(2) The Secretary of the department in which the Coast Guard is operating with regard to his regulatory authority established by this section, after consultation with the Secretary, may distinguish among classes, types, and sizes of vessels as well as between new and existing vessels, and may waive applicability of standards and regulations as necessary or appropriate for such classes, types, and sizes of vessels (including existing vessels equipped with marine sanitation devices on the date of promulgation of the initial standards required by this section), and, upon application, for individual vessels.

"(d) The provisions of this section and the standards and regulations promulgated hereunder apply to vessels owned and operated by the United States unless the Secretary of Defense finds that compliance would not be in the interest of national security. With respect to vessels owned and operated by the Department of Defense, regulations under the last sentence of subsection (b)(1) and certifications under subsection (g)(2) of this section shall be promulgated and issued by the Secretary of Defense.

"(e) Before the standards and regulations under this section are promulgated, the Secretary and the Secretary of the department in which the Coast Guard is operating shall consult with the Secretary of State; the Secretary of Health, Education, and Welfare; the Secretary of Defense; the Secretary of the Treasury; the Secretary of Commerce; other interested Federal agencies; and the States and industries interested; and otherwise comply with the requirements of section 553 of title 5 of the United States Code.

"(f) After the effective date of the initial

standards and regulations promulgated under this section, no State or political subdivision thereof shall adopt or enforce any statute or regulation of such State or political subdivision with respect to the design, manufacture, or installation or use of any marine sanitation device on any vessel subject to the provisions of this section. Upon application by a State, and where the Secretary determines that any applicable water quality standards require such a prohibition, he shall by regulation completely prohibit the discharge from a vessel of any sewage (whether treated or not) into those waters of such State which are the subject of the application and to which such standards apply.

"(g)(1) No manufacturer of a marine sanitation device shall sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States for sale or resale any marine sanitation device manufactured after the effective date of the standards and regulations promulgated under this section unless such device is in all material respects substantially the same as a test device certified under this subsection.

"(2) Upon application of the manufacturer, the Secretary of the department in which the Coast Guard is operating shall so certify a marine sanitation device if he determines, in accordance with the provisions of this paragraph, that it meets the appropriate standards and regulations promulgated under this section. The Secretary of the department in which the Coast Guard is operating shall test or require such testing of the device in accordance with procedures set forth by the Secretary as to standards of performance and for such other purposes as may be appropriate. If the Secretary of the department in which the Coast Guard is operating determines that the device is satisfactory from the standpoint of safety and any other requirements of maritime law or regulation, and after consideration of the design, installation, operation, material, or other appropriate factors, he shall certify the device. Any device manufactured by such manufacturer which is in all material respects substantially the same as the certified test device shall be deemed to be in conformity with the appropriate standards and regulations established under this section.

"(3) Every manufacturer shall establish and maintain such records, make such reports, and provide such information as the Secretary or the Secretary of the department in which the Coast Guard is operating may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this section and regulations issued thereunder and shall, upon request of an officer or employee duly designated by the Secretary or the Secretary of the department in which the Coast Guard is operating, permit such officer or employee at reasonable times to have access to and copy such records. All information reported to or otherwise obtained by, the Secretary or the Secretary of the department in which the Coast Guard is operating or their representatives pursuant to this subsection which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this section. This paragraph shall not apply in the case of the construction of a vessel by an individual for his own use.

"(h) After the effective date of standards and regulations promulgated under this section, it shall be unlawful—

"(1) for the manufacturer of any vessel subject to such standards and regulations to manufacture for sale, to sell or offer for sale, or to distribute for sale or resale any such vessel unless it is equipped with a marine sanitation device which is in all material respects substantially the same as the appropriate test device certified pursuant to this section;

"(2) for any person, prior to the sale or delivery of a vessel subject to such standards and regulations to the ultimate purchaser, wrongfully to remove or render inoperative any certified marine sanitation device or element of design of such device installed in such vessel;

"(3) for any person to fail or refuse to permit access to or copying of records or to fail to make reports or provide information required under this section; and

"(4) for a vessel subject to such standards and regulations to operate on the navigable waters of the United States, if such vessel is not equipped with an operable marine sanitation device certified pursuant to this section.

"(i) The district courts of the United States shall have jurisdictions to restrain violations of subsection (g)(1) and subsections (h)(1) through (3) of this section. Actions to restrain such violations shall be brought by, and in, the name of the United States. In case of contumacy or refusal to obey a subpena served upon any person under this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(j) Any person who violates subsection (g)(1) or clause (1) or (2) of subsection (h) of this section shall be liable to a civil penalty of not more than $5,000 for each violation. Any person who violates clause (4) of subsection (h) of this section or any regulation issued pursuant to this section shall be liable to a civil penalty of not more than $2,000 for each violation. Each violation shall be a separate offense. The Secretary of the department in which the Coast Guard is operating may assess and compromise any such penalty. No penalty shall be assessed until the person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by said Secretary.

"(k) The provisions of this section shall be enforced by the Secretary of the department in which the Coast Guard is operating and he may utilize by agreement, with or without reimbursement, law enforcement officers or other personnel and facilities of the Secretary, other Federal agencies, or the States to carry out the provisions of this section.

"(l) Anyone authorized by the Secretary of the department in which the Coast Guard is operating to enforce the provisions of this section may, except as to public vessels, (1) board and inspect any vessel upon the navigable waters of the United States and (2) execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(m) In the case of Guam, actions arising under this section may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone, such actions may be brought in the District Court for the District of the Canal Zone.

"AREA ACID AND OTHER MINE WATER POLLUTION CONTROL DEMONSTRATIONS

"SEC. 14. (a) The Secretary in cooperation with other Federal departments, agencies, and instrumentalities is authorized to enter into agreements with any State or interstate agency to carry out one or more projects to demonstrate methods for the elimination or control, within all or part of a watershed, of acid or other mine water pollution resulting from active or abandoned mines. Such projects shall demonstrate the engineering and economic feasibility and practicality of various abatement techniques which will contribute substantially to effective and practical methods of acid or other mine water pollution elimination or control.

"(b) The Secretary, in selecting watersheds for the purposes of this section, shall (1) require such feasibility studies as he deems appropriate, (2) give preference to areas which have the greatest present or potential value for public use for recreation, fish and wildlife, water supply, and other public uses, and (3) be satisfied that the project area will not be affected adversely by the influx of acid or other mine water pollution from nearby sources.

"(c) Federal participation in such projects shall be subject to the conditions—

"(1) that the State or interstate agency shall pay not less than 25 per centum of the actual project costs which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, or personal property or services, the value of which shall be determined by the Secretary; and

"(2) that the State or interstate agency shall provide legal and practical protection to the project area to insure against any activities which will cause future acid or other mine water pollution.

"(d) There is authorized to be appropriated $15,000,000 to carry out the provisions of this section, which sum shall be available until expended. No more than 25 per centum of the total funds available under this section in any one year shall be granted to any one State.

"POLLUTION CONTROL IN GREAT LAKES

"SEC. 15 (a) The Secretary, in cooperation with other Federal departments, agencies, and instrumentalities is authorized to enter into agreements with any State, political subdivision, interstate agency, or other public agency, or combination thereof, to carry out one or more projects to demonstrate new methods and techniques and to develop preliminary plans for the elimination or control of pollution, within all or any part of the watersheds of the Great Lakes. Such projects shall demonstrate the engineering and economic feasibility and practicality of removal of pollutants and prevention of any polluting matter from entering into the Great Lakes in the future and other abatement and remedial techniques which will contribute substantially to effective and practical methods of water pollution elimination or control.

"(b) Federal participation in such projects shall be subject to the condition that the State, political subdivision, interstate agency, or other public agency, or combination thereof, shall pay not less than 25 per centum of the actual project costs, which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, and personal property or services the value of which shall be determined by the Secretary.

"(c) There is authorized to be appropriated $20,000,000 to carry out the provisions of this section, which sum shall be available until expended.

"TRAINING GRANTS AND CONTRACTS

"SEC. 16. The Secretary is authorized to make grants to or contracts with institutions of higher education, or combinations of such institutions, to assist them in planning, developing, strengthening, improving, or carrying out programs or projects for the preparation of undergraduate students to enter an occupation which involves the design, operation, and maintenance of treatment works, and other facilities whose purpose is water quality control. Such grants or contracts may include payment of all or part of the cost of programs or projects such as—

"(A) planning for the development or expansion of programs or projects for training persons in the operation and maintenance of treatment works;

"(B) training and retraining of faculty members;

"(C) conduct of short-term or regular session institutes for study by persons engaged in, or preparing to engage in, the preparation of students preparing to enter an occupation involving the operation and maintenance of treatment works;

"(D) carrying out innovative and experimental programs of cooperative education involving alternate periods of full-time or part-time academic study at the institution and periods of full-time or part-time employment involving the operation and maintenance of treatment works; and

"(E) research into, and development of, methods of training students or faculty, including the preparation of teaching materials and the planning of curriculum.

"APPLICATION FOR TRAINING GRANT OR CONTRACT; ALLOCATION OF GRANTS OR CONTRACTS

"SEC. 17. (1) A grant or contract authorized by section 16 may be made only upon application to the Secretary at such time or times and containing such information as he may prescribe, except that no such application shall be approved unless it—

"(A) sets forth programs, activities, research, or development for which a grant is authorized under section 16, and describes the relation to any program set forth by the applicant in an application, if any, submitted pursuant to section 18;

"(B) provides such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section; and

"(C) provides for making such reports, in such form and containing such information, as the Secretary may require to carry out his functions under this section, and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

"(2) The Secretary shall allocate grants or contracts under section 16 in such manner as will most nearly provide an equitable distribution of the grants or contracts throughout the United States among institutions of higher education which show promise of being able to use funds effectively for the purposes of this section.

"(3)(A) Payment under this section may be used in accordance with regulations of the Secretary, and subject to the terms and conditions set forth in an application approved under subsection (a), to pay part of the compensation of students employed in connection with the operation and maintenance of treatment works, other than as an employee in connection with the operation and maintenance of treatment works or as an employee in any branch of the Government of the United States, as part of a program for which a grant has been approved pursuant to this section.

"(B) Departments and agencies of the United States are encouraged, to the extent consistent with efficient administration, to enter into arrangements with institutions of higher education for the full-time, part-time, or temporary employment, whether in the competitive or excepted service, of students enrolled in programs set forth in applications approved under subsection (a).

"AWARD OF SCHOLARSHIPS

"SEC. 18. (1) The Secretary is authorized to award scholarships in accordance with the provisions of this section for undergraduate study by persons who plan to enter an occupation involving the operation and maintenance of treatment works. Such scholarships shall be awarded for such periods as the Secretary may determine but not to exceed four academic years.

"(2) The Secretary shall allocate scholarships under this section among institutions of higher education with programs approved under the provisions of this section for the use of individuals accepted into such programs, in such manner and according to such plan as will insofar as practicable—

"(A) provide an equitable distribution of such scholarships throughout the United States; and

"(B) attract recent graduates of secondary schools to enter an occupation involving the operation and maintenance of treatment works.

"(3) The Secretary shall approve a program of an institution of higher education for the purposes of this section only upon application by the institution and only upon his finding—

"(A) that such program has as a principal objective the education and training of persons in the operation and maintenance of treatment works;

"(B) that such program is in effect and of high quality, or can be readily put into effect and may reasonably be expected to be of high quality;

"(C) that the application describes the relation of such program to any program, activity, research, or development set forth by the applicant in an application, if any, submitted pursuant to section 16 of this Act; and

"(D) that the application contains satisfactory assurances that (i) the institution will recommend to the Secretary for the award of scholarships under this section, for study in such program, only persons who have demonstrated to the satisfaction of the institution a serious intent, upon completing the program, to enter an occupation involving the operation and maintenance of treatment works, and (ii) the institution will make reasonable continuing efforts to encourage recipients of scholarships under this section, enrolled in such program, to enter occupations involving the operation and maintenance of treatment works upon completing the program.

"(4)(A) The Secretary shall pay to persons awarded scholarships under this section such stipends (including such allowances for subsistence and other expenses for such persons and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

"(B) The Secretary shall (in addition to the stipends paid to persons under subsection (a)) pay to the institution of higher education at which such person is pursuing his course of study such amount as he may determine to be consistent with prevailing practices under comparable federally supported programs.

"(5) A person awarded a scholarship under the provisions of this section shall continue to receive the payments provided in this section only during such periods as the Secretary finds that he is maintaining satisfactory proficiency and devoting full time to study or research in the field in which such scholarship was awarded in an institution of higher education, and is not engaging in gainful employment other than employment approved by the Secretary by or pursuant to regulation.

"(6) The Secretary shall by regulation provide that any person awarded a scholarship under this section shall agree in writing to enter and remain in an occupation involving the design, operation, or maintenance of treatment works for such period after completion of his course of studies as the Secretary determines appropriate.

"DEFINITIONS AND AUTHORIZATIONS

"SEC. 19. (1) As used in sections 16 through 19 of this Act—

"(A) The term 'State' includes the District of Columbia, Puerto Rico, the Canal Zone, Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

"(B) The term 'institution of higher education' means an educational institution described in the first sentence of section 1201 of the Higher Education Act of 1965 (other than an institution of any agency of the United States) which is accredited by a nationally recognized accrediting agency or association approved by the Secretary for this purpose. For purposes of this subsection, the Secretary shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

"(C) The term 'academic year' means an academic year or its equivalent, as determined by the Secretary.

"(2) The Secretary shall annually report his activities under sections 16 through 19 of this Act, including recommendations for needed revisions in the provisions thereof.

"(3) There are authorized to be appropriated $12,000,000 for the fiscal year ending June 30, 1970, $25,000,000 for the fiscal year ending June 30, 1971, and $25,000,000 for the fiscal year ending June 30, 1972, to carry out sections 16 through 19 of this Act (and planning and related activities in the initial fiscal year for such purpose). Funds appropriated for the fiscal year ending June 30, 1970, under authority of this subsection shall be available for obligation pursuant to the provisions of sections 16 through 19 of this Act during that year and the succeeding fiscal year.

"ALASKA VILLAGE DEMONSTRATION PROJECTS

"SEC. 20. (a) The Secretary is authorized to enter into agreements with the State of Alaska to carry out one or more projects to demonstrate methods to provide for central community facilities for safe water and the elimination or control of water pollution in those native villages of Alaska without such facilities. Such projects shall include provisions for community safe water supply systems, toilets, bathing and laundry facilities, sewage disposal facilities, and other similar facilities, and educational and informational facilities and programs relating to health and hygiene. Such demonstration projects shall be for the further purpose of developing preliminary plans for providing such safe water and such elimination or control of water pollution for all native villages in such State.

"(b) In carrying out this section the Secretary shall cooperate with the Secretary of Health, Education, and Welfare for the purpose of utilizing such of the personnel and facilities of that Department as may be appropriate.

"(c) The Secretary shall report to Congress not later than January 31, 1973, the results of the demonstration projects authorized by this section together with his recommendations, including any necessary legislation, relating to the establishment of a statewide program.

"(d) There is authorized to be appropri-

ated not to exceed $1,000,000 to carry out this section."

SEC. 103. Redesignated section 21 of the Federal Water Pollution Control Act, as amended, is amended to read as follows:

"COOPERATION BY ALL FEDERAL AGENCIES IN THE CONTROL OF POLLUTION

"SEC. 21. (a) Each Federal agency (which term is used in this section includes Federal departments, agencies, and instrumentalities) having jurisdiction over any real property or facility, or engaged in any Federal public works activity of any kind, shall, consistent with the paramount interest of the United States as determined by the President, insure compliance with applicable water quality standards and the purposes of this Act in the administration of such property, facility, or activity. In his summary of any conference pursuant to section 10(d)(4) of this Act, the Secretary shall include references to any discharges allegedly contributing to pollution from any such Federal property, facility, or activity, and shall transmit a copy of such summary to the head of the Federal agency having jurisdiction of such property, facility, or activity. Notice of any hearing pursuant to section 10(f) of this Act involving any pollution alleged to be effected by any such discharges shall also be given to the Federal agency having jurisdiction over the property, facility, or activity involved, and the findings and recommendations of the hearing board conducting such hearing shall include references to any such discharges which are contributing to the pollution found by such board.

"(b)(1) Any applicant for a Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters of the United States, shall provide the licensing or permitting agency a certification from the State in which the discharge originates or will originate, or, if appropriate, from the interstate water pollution control agency having jurisdiction over the navigable waters at the point where the discharge originates or will originate, that there is reasonable assurance, as determined by the State or interstate agency that such activity will be conducted in a manner which will not violate applicable water quality standards. Such State or interstate agency shall establish procedures for public notice in the case of all applications for certification by it, and to the extent it deems appropriate, procedures for public hearings in connection with specific applications. In any case where such standards have been promulgated by the Secretary pursuant to section 10(c) of this Act, or where a State or interstate agency has no authority to give such a certification, such certification shall be from the Secretary. If the State, interstate agency, or Secretary, as the case may be, fails or refuses to act on a request for certification, within a reasonable period of time (which shall not exceed one year) after receipt of such request, the certification requirements of this subsection shall be waived with respect to such Federal application. No license or permit shall be granted until the certification required by this section has been obtained or has been waived as provided in the preceding sentence. No license or permit shall be granted if certification has been denied by the State, interstate agency, or the Secretary, as the case may be.

"(2) Upon receipt of such application and certification the licensing or permitting agency shall immediately notify the Secretary of such application and certification. Whenever such a discharge may affect, as determined by the Secretary, the quality of the waters of any other State, the Secretary within thirty days of the date of notice of application for such Federal license or permit shall so notify such other State, the licensing or permitting agency, and the applicant. If, within sixty days after receipt of such notification, such other State determines that such discharge will affect the quality of its waters so as to violate its water quality standards, and within such sixty-day period notifies the Secretary and the licensing or permitting agency in writing of its objection to the issuance of such license or permit and requests a public hearing on such objection, the licensing or permitting agency shall hold such a hearing. The Secretary shall at such hearing submit his evaluation and recommendations with respect to any such objection to the licensing or permitting agency. Such agency, based upon the recommendations of such State, the Secretary, and upon any additional evidence, if any, presented to the agency at the hearing, shall condition such license or permit in such manner as may be necessary to insure compliance with applicable water quality standards. If the imposition of conditions cannot insure such compliance such agency shall not issue such license or permit.

"(3) The certification obtained pursuant to paragraph (1) of this subsection with respect to the construction of any facility shall fulfill the requirements of this subsection with respect to certification in connection with any other Federal license or permit required for the operation of such facility unless, after notice to the certifying State, agency, or Secretary, as the case may be, which shall be given by the Federal agency to whom application is made for such operating license or permit, the State, or if appropriate, the interstate agency or the Secretary, notifies such agency within sixty days after receipt of such notice that there is no longer reasonable assurance that there will be compliance with applicable water quality standards because of changes since the construction license or permit certification was issued in (A) the construction or operation of the facility, (B) the characteristics of the waters into which such discharge is made, or (C) the water quality standards applicable to such waters. This paragraph shall be inapplicable in any case where the applicant for such operating license or permit has failed to provide the certifying State, or if appropriate, the interstate agency or the Secretary, with notice of any proposed changes in the construction or operation of the facility with respect to which a construction license or permit has been granted which changes may result in violation of applicable water quality standards.

"(4) Prior to the initial operation of any federally licensed or permitted facility or activity which may result in any discharge into the navigable waters of the United States and with respect to which a certification has been obtained pursuant to paragraph (1) of this subsection, which facility or activity is not subject to a Federal operating license or permit, the licensee or permittee shall provide an opportunity for such certifying State or, if appropriate, the interstate agency or the Secretary to review the manner in which the facility or activity shall be operated or conducted for the purposes of assuring that applicable water quality standards will not be violated. Upon notification by the certifying State or, if appropriate, the interstate agency or the Secretary that the operation of any such federally licensed or permitted facility or activity will violate applicable water quality standards, such Federal agency may, after public hearing, suspend such license or permit. If such license or permit is suspended, it shall remain suspended until notification is received from the certifying State, agency, or Secretary, as the case may be, that there is reasonable assurance that such facility or activity will not violate applicable water quality standards.

"(5) Any Federal license or permit with respect to which a certification has been obtained under paragraph (1) of this subsection may be suspended or revoked by the Federal agency issuing such license or permit upon the entering of a judgment under section 10(h) of this Act that such facility or activity has been operated in violation of applicable water quality standards.

"(6) No Federal agency shall be deemed to be an applicant for the purposes of this subsection.

"(7) In any case where actual construction of a facility has been lawfully commenced prior to the date of enactment of the Water Quality Improvement Act of 1970, no certification shall be required under this subsection for a license or permit issued after the date of enactment of such Act of 1970 to operate such facility, except that any such license or permit issued without certification shall terminate at the end of the three-year period beginning on the date of enactment of such Act of 1970 unless prior to such termination date the person having such license or permit submits to the Federal agency which issued such license or permit a certification and otherwise meets the requirements of this subsection.

"(8) Except as provided in paragraph (7), any application for a license or permit (A) that is pending on the date of enactment of the Water Quality Improvement Act of 1970 and (B) that is issued within one year following such date of enactment shall not require certification pursuant to this subsection for one year following the issuance of such license or permit, except that any such license or permit issued shall terminate at the end of one year unless prior to that time the licensee or permittee submits to the Federal agency that issued such license or permit a certification and otherwise meets the requirements of this subsection.

"(9)(A) In the case of any activity which will affect water quality but for which there are no applicable water quality standards, no certification shall be required under this subsection, except that the licensing or permitting agency shall impose, as a condition of any license or permit, a requirement that the licensee or permittee shall comply with the purposes of this Act.

"(B) Upon notice from the State in which the discharge originates or, as appropriate, the interstate agency or the Secretary, that such licensee or permittee has been notified of the adoption of water quality standards applicable to such activity and has failed, after reasonable notice, of not less than six months, to comply with such standards, the license or permit shall be suspended until notification is received from such State or interstate agency or the Secretary that there is reasonable assurance that such activity will comply with applicable water quality standards.

"(c) Nothing in this section shall be construed to limit the authority of any department or agency pursuant to any other provision of law to require compliance with applicable water quality standards. The Secretary shall, upon the request of any Federal department or agency, or State or interstate agency, or applicant, provide, for the purpose of this section, any relevant information on applicable water quality standards, and shall, when requested by any such department or agency or State or interstate agency, or applicant, comment on any methods to comply with such standards.

"(d) In order to implement the provisions of this section, the Secretary of the Army, acting through the Chief of Engineers, is authorized, if he deems it to be in the public interest, to permit the use of spoil disposal areas under his jurisdiction by Federal licensees or permittees, and to make an appropriate charge for such use. Moneys received from such licensees or permittees shall be deposited in the Treasury as miscellaneous receipts."

SEC. 104. Redesignated section 22 of the Federal Water Pollution Control Act, as

amended, is amended by adding at the end thereof the following:

"(f)(1) It is the purpose of this subsection to authorize a program which will provide official recognition by the United States Government to those industrial organizations and political subdivisions of States which during the preceding year demonstrated an outstanding technological achievement or an innovative process, method or device in their waste treatment and pollution abatement programs. The Secretary shall, in consultation with the appropriate State water pollution control agency, establish regulations under which such recognition may be applied for and granted, except that no applicant shall be eligible for an award under this subsection if such applicant is not in total compliance with all applicable water quality standards under this Act, and otherwise does not have a satisfactory record with respect to environmental quality.

"(2) The Secretary shall award a certificate or plaque of suitable design to each industrial organization or political subdivision which qualifies for such recognition under regulations established by this subsection.

"(3) The President of the United States, the Governor of the appropriate State, the Speaker of the House of Representatives, and the President pro tempore of the Senate shall be notified of the award by the Secretary, and the awarding of such recognition shall be published in the Federal Register."

SEC. 105. Section 5 of the Federal Water Pollution Control Act, as amended, is amended as follows:

(1) by redesignating subsections (g) and (h) as (m) and (n), respectively, including all references thereto;

(2) by inserting after subsection (f) the following new subsections:

"(g)(1) For the purpose of providing an adequate supply of trained personnel to operate and maintain existing and future treatment works and related activities, and for the purpose of enhancing substantially the proficiency of those engaged in such activities, the Secretary shall finance a pilot program, in cooperation in State and interstate agencies, municipalities, educational institutions, and other organizations and individuals, of manpower development and training and retraining of persons in, or entering into, the field of operation and maintenance of treatment works and related activities. Such program and any funds expended for such a program shall supplement, not supplant, other manpower and training programs and funds available for the purposes of this paragraph. The Secretary is authorized, under such terms and conditions as he deems appropriate, to enter into agreements with one or more States, acting jointly or severally, or with other public or private agencies or institutions for the development and implementation of such a program.

"(2) The Secretary is authorized to enter into agreements with public and private agencies and institutions, and individuals to develop and maintain an effective system for forecasting the supply of, and demand for, various professional and other occupational categories needed for the prevention, control, and abatement of water pollution in each region, State, or area of the United States and, from time to time, to publish the results of such forecasts.

"(3) In furtherance of the purposes of this Act, the Secretary is authorized to—

"(A) make grants to public or private agencies and institutions and to individuals for training projects, and provide for the conduct of training by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes;

"(B) establish and maintain research fellowships in the Department of the Interior with such stipends and allowances, including traveling and subsistence expenses, as he may deem necessary to procure the assistance of the most promising research fellowships; and

"(C) provide, in addition to the program established under paragraph (1) of this subsection, training in technical matters relating to the causes, prevention, and control of water pollution for personnel of public agencies and other persons with suitable qualifications.

"(4) The Secretary shall submit, through the President, a report to the Congress within eighteen months from the date of enactment of this subsection, summarizing the actions taken under this subsection and the effectiveness of such actions, and setting forth the number of persons trained, the occupational categories for which training was provided, the effectiveness of other Federal, State, and local training programs in this field, together with estimates of future needs, recommendations on improving training programs, and such other information and recommendations, including legislative recommendations, as he deems appropriate.

"(h) The Secretary is authorized to enter into contracts with, or make grants to, public or private agencies and organizations and individuals for (A) the purpose of developing and demonstrating new or improved methods for the prevention, removal, and control of natural or manmade pollution in lakes, including the undesirable effects of nutrients and vegetation, and (B) the construction of publicly owned research facilities for such purpose.

"(i) The Secretary shall—

"(A) engage in such research, studies, experiments, and demonstrations as he deems appropriate, relative to the removal of oil from any waters and to the prevention and control of oil pollution;

"(B) publish from time to time the results of such activities; and

"(C) from time to time, develop and publish in the Federal Register specifications and other technical information on the various chemical compounds used as dispersants or emulsifiers in the control of oil spills.

In carrying out this subsection, the Secretary may enter into contracts with, or make grants to, public or private agencies and organizations and individuals.

"(j) The Secretary shall engage in such research, studies, experiments, and demonstrations as he deems appropriate relative to equipment which is to be installed on board a vessel and is designed to receive, retain, treat, or discharge human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes with particular emphasis on equipment to be installed on small recreational vessels. The Secretary shall report to Congress the results of such research, studies, experiments, and demonstrations prior to the effective date of any standards established under section 13 of this Act. In carrying out this subsection the Secretary may enter into contracts with, or make grants to, public or private organizations and individuals.

"(k) In carrying out the provisions of this section relating to the conduct by the Secretary of demonstration projects and the development of field laboratories and research facilities, the Secretary may acquire land and interests therein by purchase, with appropriated or donated funds, by donation, or by exchange for acquired or public lands under his jurisdiction which he classifies as suitable for disposition. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

"(l)(1) The Secretary shall, after consultation with appropriate local, State, and Federal agencies, public and private organizations, and interested individuals, as soon as practicable but not later than two years after the effective date of this subsection, develop and issue to the States for the purpose of adopting standards pursuant to section 10(c) the latest scientific knowledge available in indicating the kind and extent of effects on health and welfare which may be expected from the presence of pesticides in the water in varying quantities. He shall revise and add to such information whenever necessary to reflect developing scientific knowledge.

"(2) For the purpose of assuring effective implementation of standards adopted pursuant to paragraph (1) the President shall, in consultation with appropriate local, State, and Federal agencies, public and private organizations, and interested individuals, conduct a study and investigation of methods to control the release of pesticides into the environment which study shall include examination of the persistency of pesticides in the water environment and alternatives thereto. The President shall submit a report on such investigation to Congress together with his recommendations for any necessary legislation within two years after the effective date of this subsection."

(3) in redesignated subsection (m)(4) by striking out the words "and June 30, 1969," and inserting in lieu thereof "June 30, 1969, June 30, 1970, and June 30, 1971,";

(4) by amending the first sentence of redesignated subsection (n) to read as follows: "There is authorized to be appropriated to carry out this section, other than subsection (g)(1) and (2), not to exceed $65,000,000 per fiscal year for each of the fiscal years ending June 30, 1969, June 30, 1970, and June 30, 1971. There is authorized to be appropriated to carry out subsection (g)(1) of this section $5,000,000 for the fiscal year ending June 30, 1970, and $7,500,000 for the fiscal year ending June 30, 1971. There is authorized to be appropriated to carry out subsection (g)(2) of this section $2,500,000 per fiscal year for each of the fiscal years ending June 30, 1970, and June 30, 1971.".

SEC. 106. Section 6(e) of the Federal Water Pollution Control Act (33 U.S.C. 466c–1) is amended as follows:

(1) Paragraph (1) is amended by striking out "three succeeding fiscal years" and inserting in lieu thereof "five succeeding fiscal years,".

(2) Paragraph (2) is amended by striking out "two succeeding fiscal years," and inserting in lieu thereof "four succeeding fiscal years,".

(3) Paragraph (3) is amended by striking out "two succeeding fiscal years," and inserting in lieu thereof "four succeeding fiscal years,".

SEC. 107. Redesignated section 24 of the Federal Water Pollution Control Act, as amended by deleting the following: "the Oil Pollution Act, 1924, or".

SEC. 108. The Oil Pollution Act, 1924 (43 Stat. 604), as amended (80 Stat. 1246–1252), is hereby repealed.

SEC. 109. The Secretary of the Interior shall conduct a full and complete investigation and study of the feasibility of all methods of financing the cost of preventing, controlling, and abating water pollution, other than methods authorized by existing law. The results of such investigation and study shall be reported to Congress no later than December 31, 1970, together with the recommendations of the Secretary for financing the programs for preventing, controlling, and abating water pollution for the fiscal years beginning after fiscal year 1971, including any necessary legislation.

SEC. 110. (a) The first sentence of section 2 of the Federal Water Pollution Control Act (33 U.S.C. 466–1) is amended by striking

out "Federal Water Pollution Control Administration" and inserting in lieu thereof "Federal Water Quality Administration".

(b) Any other law, reorganization plan, regulation, map, document, record, or other paper of the United States in which the Federal Water Pollution Control Administration is referred to shall be held to refer to the Federal Water Quality Administration.

SEC. 111. Section 8(c) of the Federal Water Pollution Control Act is amended in the fourth sentence by inserting after "because of lack of funds" the following: "including States having projects eligible for reimbursement pursuant to the sixth and seventh sentences of this subsection".

SEC. 112. Section 10 of the Federal Water Pollution Control Act, as amended, is amended by adding at the end of subsection (c)(3) the following new sentence: "In establishing such standards the Secretary, the hearing board, or the appropriate State authority shall take into consideration their use and value for navigation."

TITLE II—ENVIRONMENTAL QUALITY

SHORT TITLE

SEC. 201. This title may be cited as the "Environmental Quality Improvement Act of 1970."

FINDINGS, DECLARATIONS, AND PURPOSES

SEC. 202. (a) The Congress finds—

(1) that man has caused changes in the environment;

(2) that many of these changes may affect the relationship between man and his environment; and

(3) that population increases and urban concentration contribute directly to pollution and the degradation of our environment.

(b)(1) The Congress declares that there is a national policy for the environment which provides for the enhancement of environmental quality. This policy is evidenced by statutes heretofore enacted relating to the prevention, abatement, and control of environmental pollution, water and land resources, transportation, and economic and regional development.

(2) The primary responsibility for implementing this policy rests with State and local governments.

(3) The Federal Government encourages and supports implementation of this policy through appropriate regional organizations established under existing law.

(c) The purposes of this title are—

(1) to assure that each Federal department and agency conducting or supporting public works activities which affect the environment shall implement the policies established under existing law; and

(2) to authorize an Office of Environmental Quality, which, notwithstanding any other provision of law, shall provide the professional and administrative staff for the Council on Environmental Quality established by Public Law 91–190.

OFFICE OF ENVIRONMENTAL QUALITY

SEC. 203(a). There is established in the Exective Office of the President an office to be known as the Office of Environmental Quality (hereafter in this title referred to as the "Office"). The Chairman of the Council on Environmental Quality established by Public Law 91–190 shall be the Director of the Office. There shall be in the Office a Deputy Director who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) The compensation of the Deputy Director shall be fixed by the President at a rate not in excess of the annual rate of compensation payable to the Deputy Director of the Bureau of the Budget.

(c) The Director is authorized to employ such officers and employees (including experts and consultants) as may be necessary to enable the Office to carry out its functions under this title and Public Law 91–190, except that he may employ no more than ten specialists and other experts without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and pay such specialists and experts without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but no such specialist or expert shall be paid at a rate in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of title 5.

(d) In carrying out his functions the Director shall assist and advise the President on policies and programs of the Federal Government affecting environmental quality by—

(1) providing the professional and administrative staff and support for the Council on Environmental Quality established by Public Law 91–190;

(2) assisting the Federal agencies and departments in appraising the effectiveness of existing and proposed facilities, programs, policies, and activities of the Federal Government, and those specific major projects designated by the President which do not require individual project authorization by Congress, which affect environmental quality;

(3) reviewing the adequacy of existing systems for monitoring and predicting environmental changes in order to achieve effective coverage and efficient use of research facilities and other resources;

(4) promoting the advancement of scientific knowledge of the effects of actions and technology on the environment and encourage the development of the means to prevent or reduce adverse effects that endanger the health and well-being of man;

(5) assisting in coordinating among the Federal departments and agencies those programs and activities which affect, protect, and improve environmental quality;

(6) assisting the Federal departments and agencies in the development and interrelationship of environmental quality criteria and standards established through the Federal Government.

(7) collecting, collating, analyzing, and interpreting data and information on environmental quality, ecological research, and evaluation.

(e) The Director is authorized to contract with public or private agencies, institutions, and organizations and with individuals without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5) in carrying out his functions.

REPORT

SEC. 204. Each Environmental Quality Report required by Public Law 91–190 shall, upon transmittal to Congress, be referred to each standing committee having jurisdiction over any part of the subject matter of the Report.

AUTHORIZATION

SEC. 205. There are hereby authorized to be appropriated not to exceed $500,000 for the fiscal year ending June 30, 1970, not to exceed $750,000 for the fiscal year ending June 30, 1971, not to exceed $1,250,000 for the fiscal year ending June 30, 1972, and not to exceed $1,500,000 for the fiscal year ending June 30, 1973. These authorizations are in addition to those contained in Public Law 91–190.

EDMUND S. MUSKIE,
JENNINGS RANDOLPH,
BIRCH BAYH,
JOSEPH M. MONTOYA,
J. CALEB BOGGS,
JOHN COOPER,
HOWARD BAKER,
Managers on the part of the Senate.

JOHN A. BLATNIK,
ROBERT E. JONES,
JIM WRIGHT,
GEORGE H. FALLON,
WILLIAM C. CRAMER,
WILLIAM H. HARSHA,
JAMES R. GROVER, JR.
Managers on the part of the House.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. MUSKIE. Mr. President, this conference report is the culmination of efforts begun in 1966 to strengthen and expand the Nation's capability to deal with oil pollution disasters.

Mr. President, this legislation would probably not be before the Senate today had there not been in recent weeks several disastrous oil spills. I think that the grounding of the tanker off Nova Scotia, the spill from the tanker in Tampa Bay, and the ongoing disaster off New Orleans have convinced all of us in both bodies of the need to attach a different concept of liability to the extremely hazardous business of oil transportation, production, and use.

The very nature of these incidents and the cloudy question of fault assisted in bringing about the compromise which was finally achieved between the House and Senate conferees on this issue.

The attached discussion of the conference substitute describes in detail what this bill does and what the conferees intended. While I do not intend to present all the provision in detail in this statement, I would like to point out several impotrant features of the oil pollution section and emphasize the other more important features of the legislation itself.

Under the conference compromise, unless the owner or operator of a vessel, an offshore facility, or an onshore facility can prove that the discharge resulted solely from an act of God, an act of war, an act of U.S. Government negligence, or an act or omission of a third party such owner or operator will be absolutely liable to the United States for the costs of cleanup in an amount not to exceed $14 million for a vessel and $8 million for an onshore or offshore facility.

In the case of a vessel the liability is further limited to $100 per gross ton, an amount suggested by insurers as the insurable limit for this particular type of liability.

I am not satisfied that these figures completely reflect the potential liability of vessels in oil discharges. I am not satisfied that the insurers gave us the

best available information. However, I am satisfied that we could get no better information and that the amounts set forth in this law would have been sufficient to clean up any oil spill on record.

I anticipate this figure will have to be revised, as will the outside limits, as the size of tankers increases and as the danger of oil spills increases. Nevertheless, at this time the gross tonnage and dollar limits should be adequate to cover a tanker twice as large as any vessel capable of using any port of the United States today.

More importantly, Mr. President, a review of these figures should be the kind of public policy consideration which precedes any increases in shipment of oil by sea either from foreign or domestic sources.

The hearings on this legislation have indicated that there is great room for improvement in the handling of oil in transport. There is still too much room for accidents.

I will introduce legislation to tighten the regulations governing the design and construction of vessels, the transportation of oil and other hazardous cargo, the training of crews, and the location of onshore and offshore facilities.

I also hope that we can develop a system for providing compensation for private damages resulting from oil spills.

For onshore and offshore facilities, the figure of $8 million was included in both the House and the Senate bills. Although there is no indication as to the accuracy of this figure, it is much more than the clean-up costs of any oil spills on record from onshore or offshore facilities. It too may have to be revised in the future.

This legislation does not affect the authority of the Secretary of the Interior regarding activities on the Outer Continental Shelf. It does not affect the regulations which provide absolute and unlimited liability oil operations on the OCS.

The penalties for failure to notify, for knowing discharge of oil, and for violation of regulations are as strict as either the House or Senate bill would permit.

Broad authority is given the President to determine by regulation what harmful quantities of oil cannot be discharged without violating the provisions of this act. The responsibility placed on the President is great. The urgency for his early action is evident.

Until the President develops at least preliminary regulations defining harmful quantities, parts of the law will be inoperative. At a minimum the President can and should immediately, by regulation, prohibit the discharge of oil which exceeds the amount normally anticipated in operation of a vessel, or onshore, or offshore facility.

Such regulations with appropriate definitions should be promulgated as soon after enactment of this legislation as possible.

The President should then set into motion the procedures necessary to determine in as exact a manner as possible the amounts and quantities of oil that can be discharged, under what circumstances, and what times, and what locations as required in this section. Further he should indicate, to the extent that it is possible, those areas of the coastal United States and the navigable waters of the United States where the discharge of oil is absolutely prohibited or partially prohibted.

Another important measure to assure tough enforcement of this act will be to provide adequate funds for improved Coast Guard surveillance activities along the coast of the United States. Tanker captains who deliberately disregard regulations and pump their bilges at will must be arrested and brought to trial for criminal discharges of oil. The Coast Guard also must be given funds to develop local and regional contingency plans and a strike force capacity to move against any oil pollution disaster strategically located in the United States.

Effective implementation of this legislation will require that adequate funds be devoted to developing new clean-up technology, to developing the specifications for chemicals which can be used to disperse oil as called for by the Kennedy amendment retained by the conferees, and to providing funds for the Federal Water Pollution Control Administration to study the effects of oil and dispersants on the aquatic environment.

I wish to emphasize for the Senate a provision of this legislation which has not received a great deal of attention. This provision may be the most important section of this legislation. I call the Senate's attention to section 21. This section requires that any applicant for a Federal license or permit obtain certification of reasonable assurance of compliance with water quality standards from a State before that applicant can receive any license or permit.

Any new industry that intends to locate on the navigable waters of the United States; that needs a permit to build a dock, a discharge pipe, a water-intake pipe, a bridge, or a road across Federal lands; that requires a license from the Atomic Energy Commission for a nuclear power plant or a license from the Federal Power Commission to build a dam will be required to obtain this certification of compliance with water quality standards.

No polluter will be able to hide behind a Federal license or permit as an excuse for a violation of water quality standard. No polluter will be able to make major investments in facilities under a Federal license or permit without providing assurance that the facility will comply with water quality standards. No State water pollution control agency will be confronted wtih a fait accompli by an industry that has built a plant without consideration of water quality requirements.

Mr. President, a question has been raised regarding the relationship between section 21(b) of the conference agreement and the provisions of sections 102 and 103 of the National Environmental Policy Act, Public Law 91–190, particularly with regard to the duties of Federal licensing and permitting agencies under the respective authorizations.

It should be clear that nothing in subsection 21(b) should be interpreted as discharging Federal licensing or permitting agencies from complying with the provisions of Public Law 90–190 as far as they relate to any environmental impact not associated with water quality standards.

Mr. President, the conference agreement includes a number of other major provisions which are discussed in the summary of conference action which I ask unanimous consent to have printed in the RECORD at this point.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF CONFERENCE ACTION

The Senate-passed bill included four titles, the provisions of three of which are included in the conference agreement. Title III, which authorized acquisition of land for the use of the United States Senate, was deleted as no longer required.

Title I has been expanded to include several provisions of the House bill not in the Senate bill as well as a revised version of the Kennedy-Stevens amendment to provide Safe Water Facilities for Alaska. This "Alaska Village Demonstration Projects" provision which had been Title IV of S. 7 appears now as Section 20 of the Act.

House amendments not in the Senate bill which were adopted include provisions for manpower training, marine sanitation device research, change of the name of the Federal Water Pollution Control Administration to the Federal Water Quality Administration, a study of financing the cost of pollution control, and an award provision.

Title I of the conference agreement includes several provisions which were similar in both House and Senate bills. Those provisions are:

(a) Acid mine drainage research;
(b) Pollution control in the Great Lakes;
(c) Field laboratories land acquisition;
(d) Oil pollution removal research;
(e) Extension of the Section 5 and Section 6 basic act research authorization; and
(f) The Clean Lakes research section.

Also, Title I includes several features of the Senate bill which the House conferees accepted with minor modifications, including:

(a) The Scott amendment for pilot training programs to train sewage treatment plant operators;

(b) Senator Nelson's amendment to require development of scientific knowledge on the effects of pesticides on the environment for the purpose of developing water quality standards, and a study into methods to control the environmental release of pesticides;

(c) The Tydings-Javits amendment clarifying that re-allocated grant funds can be applied to projects eligible for reimbursement; and

(d) A requirement that the value and use of a waterway for navigation be considered in establishing water quality standards.

Title I includes a modified version of the Senate provision for identification and clean-up of hazardous substances. The provision authorizes the President to clean up, to the extent practicable, any discharges of designated hazardous substances and to report to the Congress, no later than November 1 of 1970, on the methods and measures for controlling the discharge of hazardous substances, procedures for enforcement against discharges (including imposition of penalties for discharge and failure to notify,) and methods to recover Federal clean-up costs.

Pending the completion of this study, designation of hazardous substances should proceed. This activity will be especially useful to the Congress when it considers any legislative recommendations which result from the study.

The provision for control of sewage from vessels was similar in both bills with a few major differences. The Senate accepted the House provision which requires a report to the Congress on the results of marine sani-

tation device research prior to the effective date of any marine sanitation device performance standards.

The conferees agreed to require Defense Department vessels to comply with performance standards promulgated pursuant to this section but authorized the Secretary of Defense to establish regulations and certifications to implement application of those standards to Defense Department vessels.

The conferees modified the Senate "Grandfather clause" for vessels with sanitation devices installed prior to the effective date of Federal standards. Under the conference agreement existing devices which comply with initial Federal standards shall be considered in compliance. Thus, for example, if the Secretary certifies a holding tank, only a vessel owner with a previously installed holding tank which meets the new Federal standards and regulations could continue to operate such a device and avoid added costs.

The conferees agreed that Federal standards and regulations should replace State standards and enforcement after the effective date of the Federal standards. Under the agreed-upon pre-emption provision no State could regulate the design, installation, manufacture or use of any Federally certified marine sanitation device on any vessel subject to the provisions of this Act. However, the conference agreement authorizes the Secretary to prohibit completely the discharge of any sewage, whether treated or not, from any vessel, whether or not a vessel is equipped with a certified device if the Secretary finds, after application of a State that a specific water area (such as a marina, public water intake site or swimming area) requires a total prohibition.

The performance standards should relate to the specific waste treatment problems associated with vessel discharges and should not be confused with the methods of evaluating performance of land-based treatment works.

Title I does not include the provision which authorized commercial banks to underwrite municipal water and sewer revenue bonds, a provision on which a majority of the House conferees insisted was not within the jurisdiction of the Public Works Committees. The Senate conferees, cognizant of the jurisdiction of the Committee on Banking and Currency, receded.

I have discussed those provisions of Title I relating to oil pollution and Federal licenses and permits. Mr. President, the emphasis on this latter part of Section 21 should not obscure the change in the basic Federal Water Pollution Control Act relating to control of pollution from direct Federal activities.

The conferees agreed to language which deletes the existing requirement that Federal facilities and activities comply with water quality standards "insofar as practicable and consistent with the interests of the United States and within any available appropriations."

Under the conference agreement, Federal agencies, in their activities including direct facilities operation, contracts, grants and leases shall "consistent with the paramount interests of the United States as determined by the President" insure water quality standards compliance. In carrying out the intent of the conference agreement the President will have to specifically justify any Federal decision which would lead to violation of water quality standards. No longer can Federal agencies justify non-compliance with standards on the basis of lack of funds or impracticability. Federal agency budgets must include pollution control cost; Federal contracts and leases must include provisions to insure water quality compliance.

Mr. President, I have discussed Title II of the legislation at length, during consideration of S. 7 on October 7 and 8, during discussion of Senator Jackson's National Environmental Policy Act prior to conference, and during discussion of the conference report on Senator Jackson's bill.

The conference agreement on this Title II provides for establishment of an Office of Environmental Quality in the Executive Office of the President with substantially the same authority as originally voted by the Senate.

At the insistence of the House conferees the language of Title II was reduced, though the Senate intent was not changed. I would like to discuss several specific changes which have been included in the conference agreement to clarify the relationship between the Office and the recently established Council on Environmental Quality.

First, the conferees agreed to make the Chairman of the Council the Director of the Office while retaining the Office of Deputy Director—the appointee to which is subject to Senate confirmation.

The conference agreement includes a specific authorization to employ, in the Office, ten environmental specialists or other experts without regard to provision of law relating to appointment and payment in the competitive service.

This provision is essential if the Office is to have the staff capability to carry out its authorized functions and adequately assist Council and the President in environmental quality policy questions, preparation of the annual report and other assigned functions.

Finally the conference agreement provides that the Environmental Quality Report (required by P.L. 91–190) be referred to each standing committee of the Congress having jurisdiction over the subject matter included.

This provision was to have been a part of P.L. 91–190 but, due to questions raised in the conference on that legislation, was dropped. Inclusion in this bill should assure adequate oversight of environmental aspects of Federal activities by the Congressional committees with authority over Federal programs.

One matter of importance throughout the legislation is the meaning of the term "navigable waters of the United States."

The conference agreement does not define the term. Based on the history of consideration of this legislation it is obvious that its provisions and the extent of application should be construed broadly. It is intended that this term include all water bodies, such as lakes, streams, and rivers, regarded as public navigable waters in law which are navigable in fact. It is further intended that such waters shall be considered to be navigable in fact when they form, in their ordinary condition by themselves or by uniting with other waters or other systems of transportation, such as highways or railroads, a continuing highway over which commerce is or may be carried on with other states or with foreign countries in the customary means of trade and travel in which commerce is conducted today. In such cases, the commerce on such waters would have a substantial economic effect on interstate commerce.

Mr. MUSKIE. Mr. President, I ask unanimous consent to include in the RECORD at this point those portions of the statement of managers on the part of the House which discuss the conference substitute. The language of the statement of managers on the part of the House, in addition to remarks of the Senate conferees reflect the intent of the conference agreement. Further, I ask unanimous consent to include a carbon print which shows the changes in the existing Federal Water Pollution Control Act.

There being no objection the statements and the print were ordered to be printed in the RECORD, as follows:

PORTIONS OF STATEMENT OF MANAGERS ON THE PART OF HOUSE

CONTROL OF POLLUTION BY OIL

Section 102 of the conference substitute would add a new section 11 to the Federal Water Pollution Control Act. This proposed new section 11 deals solely with the control of pollution by oil.

Subsection (a) contains definitions. The definitions of "oil", "discharge", "vessel", "public vessel", "United States", "person", and "contiguous zone" are essentially identical with those definitions in the House bill. The definition of the term "owner or operator" would provide in the case of a vessel that it is the person owning, operating, or chartering by demise, and in the case of an onshore or offshore facility, it is the person owning or operating such facility, and in the case of an abandoned offshore facility, it is the person who owned or operated the facility immediately prior to its abandonment.

As a result of this definition, if an offshore facility has been abandoned by its former owner, and thereafter discharges oil in violation of this section, such former owner would be responsible under the provisions of this act for such subsequent discharge. The definition of the term "remove" or "removal" has been clarified to include specifically public or private property, shorelines, and beaches. The definition of "onshore facility" means any facility (including motor vehicles and rolling stock) of any kind located in, on, or under any land within the United States other than submerged land. Thus, it is made clear that tank trucks and railroad tank cars are included in the definition as well as all other facilities such as storage tanks or refineries from which oil could be discharged into the waters in question. The definition would not include, however, facilities which are built upon any submerged lands in the United States.

The definition of "offshore facility" means any facility of any kind located in, on, or under any of the navigable waters of the United States other than a vessel or public vessel. This would include offshore drilling rigs as well as all other offshore facilities within the navigable waters of the United States which, in the case of the coastal waters would extend to the seaward boundaries of the States within the meaning of the Submerged Lands Act. The term "act of God" is defined to mean an act occasioned by an unanticipated grave natural disaster. This definition varies from that of the Senate definition and, under this definition, only those acts about which the owner could haye had no foreknowledge, could have made no plans to avoid, or could not predict would be included. Thus, grave natural disasters which could not be anticipated in the design, location, or operation of the facility or vessel by reason of historic, geographic, or climatic circumstances or phenomena would be outside the scope of the owner's or operator's responsibility. The definition of the term "barrel" is established at 42 U.S. gallons at 60° F.

Paragraph (1) of subsection (b) is a declaration of policy by Congress that there ought not be discharges of oil into or upon the navigable waters, adjoining shorelines, or the waters of the contiguous zone.

Paragraph (2) of subsection (b) prohibits the discharge of oil in the navigable waters, adjoining shorelines, or the waters of the contiguous zone, in harmful quantities as determined by the President under paragraph (3) with two exceptions: (A) discharges into the waters of the contiguous zone where permitted under article IV of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended, and (B) where permitted in quantities at times and locations or under circumstances or conditions which the President by regulations determines not to be

harmful. The President's regulations are required to be consistent with maritime safety, marine navigation laws and regulations, and applicable water quality standards.

Paragraph (3) of subsection (b) requires the President, by regulations to be issued as soon as possible, to determine for the purposes of this section those quantities of oil the discharge of which will be harmful to the public health or welfare of the United States, including fish, shellfish, wildlife, and public and private property, shorelines, and beaches with the exception that, in the case of oil discharged in the contiguous zone, only those discharges which threaten the fishery resources of the zone or threaten to pollute or contribute to the pollution of the territory or territorial sea of the United States may be determined to be harmful.

Paragraph (4) requires anyone in charge of a vessel or of an onshore or offshore facility, as soon as he has knowledge of any discharge of oil from that vessel or facility in violation of this section, to immediately notify the appropriate U.S. agency. Failure to do so subjects such person to a fine of not more than $10,000 or imprisonment for not more than a year, or both. This notification, however, is not to be used against any such person in any criminal case other than one for perjury or giving a false statement.

Paragraph (5) of this subsection imposes a civil penalty on the owner or operator of a vessel or onshore or offshore facility from which oil is knowingly discharged in violation of this section. This penalty is not to exceed $10,000 and is not to be assessed unless the owner or operator charged has been given notice and opportunity for hearing. Each violation is a separate offense, and the civil penalty may be compromised by the Secretary. The Secretary of the Treasury is required to withhold clearance from port of any vessel the owner or operator of which is subject to the foregoing penalty. Clearance may be granted upon filing of a bond or other satisfactory surety.

Paragraph (1) of subsection (c) authorizes the President to act to remove or arrange for the removal of any oil discharged into the navigable waters, adjoining shorelines, or the waters of the contiguous zone. If he determines the removal will be properly done by the owner or operator of the vessel or facility from which the discharge occurs, he may permit them to do so. The conferees wish to make it clear that the basic responsibility for necessary cleaning up in these situations is placed upon the President. This is not to be construed to inhibit or prevent any owner or operator from undertaking whatever action is necessary to contain or remove an oil discharge.

Paragraph (2) of subsection (c) would require the President, within 60 days, to prepare and publish a National Contingency Plan for the removal of oil. The Plan shall provide for efficient, coordinated, and effective action to minimize damage from oil discharges, including containment, dispersal, and removal of oil. The Plan is to include (A) assignment of duties and responsibilities, (B) identification, procurement, maintenance, and storage of equipment and supplies, (C) establishment of a strike force and emergency task forces, (D) a system of surveillance and notice, (E) establishment of a national center to coordinate and direct operations, (F) procedures and techniques to be employed in identifying, containing, dispersing and removing oil, and (G) a schedule identifying dispersants and other chemicals that may be used in carrying out the plan, the waters in which they may be used, and quantities which may be safely used. In the case of a dispersant, chemical or waters not specifically identified in the schedule, the President or his delegate may on a case-by-case basis, identify the dispersant or chemicals which may be used, the waters in which they may be used, and the quantities which may safely be used. The plan may be revised from time to time. Once the plan is published, however, removal of oil and actions to minimize damage therefrom shall, to the greatest extent possible, be in accordance with the plan.

The President is given general authority by subsection (1) of this section to delegate his responsibilities under this section. It is the hope of the conferees that with respect to the provisions of subsection (c)(2) (C) and (D) such responsibilities will be delegated to the Coast Guard and with respect to subsection (c)(2)(G) such responsibilities will be delegated to the Secretary of the Interior.

Subsection (d) provides authority for the United States to remove, and if necessary, to destroy vessels in cases where they pose a substantial threat of a pollution hazard through the discharge of oil. This is almost identical to the equivalent provision in the House bill with the exception that in lieu of the House provision making the expense of removal a charge against the vessel, its cargo, and owner and permitting the sale thereof, there has been substituted a provision from the Senate amendment which states that the expense incurred under this subsection will be deemed to be a cost incurred by the United States in the removal of oil for the purposes of liability under subsection (f) of this section.

Subsection (e) authorizes the President when there is an imminent and substantial threat to the public health and welfare because of an actual or threatened discharge of oil from an onshore or offshore facility to require the U.S. attorney for the district where the threat occurs to secure such relief as may be necessary to abate the threat, and the district courts of the United States are given jurisdiction to grant such relief as the public interest and equity may require.

Subsection (f) establishes the liability of owners and operators of vessels and on or offshore facilities for cleanup costs.

Paragraph (1) of subsection (f) provides that the owner or operator of a vessel from which oil is discharged in violation of subsection (b)(2) of this section shall be liable to the United States for actual costs incurred under subsection (c) for removal of that oil with a limit of liability of not to exceed $100 per gross ton of the vessel or $14 million, whichever is lesser. The owner or operator will have no liability if he can prove that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States or (D) an act or omission of a third party whether or not negligent, or any combination of the foregoing clauses. Such owner or operator shall be liable without limitation if the United States can show that the discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner. These removal costs are to be a maritime lien on the vessel recoverable in an action in rem against the vessel and in addition the United States may bring an action against the owner or operator for these costs. The inclusion of specific language relating to the maritime lien and actions against the owner or operator are for the purposes of clarification only.

Paragraph (2) of subsection (f) provides that the owner or operator of an onshore facility is liable for actual costs for removal of oil discharged from that facility in violation of subsection (b)(2) of this section in an amount not to exceed $8 million. If such owner or operator can prove such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States, or (D) an act or omission of the third party whether or not negligent or any combination thereof, then such owner or operator shall have no liability. If the United States can show the discharge was a result of willful negligence or misconduct within the privity and knowledge of the owner, then the owner is liable for the full cost without limitation. The United States is authorized to bring an action against the owner or operator in any court of competent jurisdiction to recover these costs. Additionally the Secretary is authorized by regulation, after he has consulted with the Secretary of Commerce and the Small Business Administration, to establish classifications of those onshore facilities having a total fixed storage capacity of a thousand barrels or less which he determines do not present a substantial risk and apply with respect to these classifications differing limits of liability which may be less than the $8 million limit established statutorily by this paragraph.

Paragraph (3) of subsection (f) provides that the owner or operator of an offshore facility from which oil is discharged in violation of subsection (b)(2) of this section shall be liable to the United States for removal costs in an amount not to exceed $8 million. If such owner or operator can prove that the discharge is caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States, or (D) an act or omission of a third party whether or not negligent, or any combination thereof, then such owner or operator will have no liability. If the United States can show that the discharge was the result of willful negligence or misconduct within the privity and knowledge of the owner then he is liable for the full amount. The United States is authorized to bring an action against the owner or operator in a court of competent jurisdiction to recover these costs.

Subsection (g) of this section provides that in any case where an owner or operator of a vessel or of an onshore or offshore facility from which oil is discharged in violation of this section proves that the discharge is caused solely by an act or omission of a third party or solely by such act or omission in combination with an act of God, an act of war, or negligence on the part of the United States, then such third party shall be liable to the United States for the actual costs of removing the oil unless that third party can in turn prove that the discharge was caused solely by an act of God, an act of war, negligence on the part of the United States or the act or omission of another party or any combination thereof. If the third party is the owner or operator of a vessel which caused the discharge, then that third party's liability is limited to $100 per gross ton of such vessel or $14,000,000, whichever is the lesser. In any other case the liability of the third party is limited by that which would have been applicable to the owner or operator of the vessel or facility from which the discharge actually occurred if such owner or operator would have been liable. If the United States proves the discharge of oil was the result of willful negligence or misconduct within the privity and knowledge of the third party, then such third party shall be liable for the full amount of the removal costs. The United States is authorized to bring a suit in a court of competent jurisdiction to recover these removal costs.

Subsection (h) provides that the liability established by this section will not affect any rights which the owner or operator of the vessel or onshore or offshore facility may have against third parties whose acts in any way may have caused or contributed to the discharge of oil, or which the United States may have against any such party.

Paragraph (1) of subsection (i) authorizes an owner or operator from whose vessel or facility oil has been discharged and who voluntarily removes the oil in accordance with regulations to recover reasonable costs incurred in that removal in a suit against the United States in the court of claims if such owner or operator can prove that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States, or (D) an act

or omission of a third party without regard to its negligence, or any combination of the foregoing.

Paragraph (2) of subsection (i) provides that this subsection will not apply where liability is established by regulations adopted under authority of the Outer Continental Shelf Lands Act.

Paragraph (3) of subsection (i) authorizes the payment from the revolving fund established in subsection (k) of this section of any judgment entered against the United States under this subsection.

Paragraph (1) of subsection (j) requires the President, as soon as practicable and consistent with the national contingency plan, and maritime safety, and marine and navigation laws, to establish methods and procedures for removal of discharged oil, to establish criteria for the development and implementation of local and regional oil removal contingency plans, to establish procedures, methods, and requirements for equipment to prevent discharges of oil from vessels and onshore and offshore facilities, and regulations governing the inspection of vessels carrying oil as cargo, including inspecting such cargoes all for the purpose of reducing the likelihood of discharges of oil from such vessels. This language is in very general terms, and it is the understanding of all of the conferees that under this authority the President would be authorized by regulation to require vessels and facilities to carry on board or otherwise have available materials and equipment determined necessary to prevent and to clean up oil discharges.

Paragraph (2) of subsection (j) provides for a civil penalty of up to $5,000 for each violation of the regulations issued under this subsection. Authority is granted the President to compromise these penalties.

Subsection (k) authorizes the establishment of a revolving fund in the Treasury of not to exceed $35 million to carry out the provisions of subsections (c) (relating to the removal of oil which has been discharged), (i) (relating to costs payable by the United States for removal by volunteers), and (l) (relating to the administration of the section generally), as well as section 12 of this act (relating to the removal of hazardous polluting substances). Any other funds received by the United States under this section are to be deposited in this fund. Moneys in the fund are to be available until expended.

Subsection (l) is general authority to the President to delegate the administration of this section to the heads of those departments, agencies, and instrumentalities which he determines to be appropriate. Any department, agency, or instrumentality in which functions are vested is to avoid duplication of effort and to utilize personnel, services, and facilities of other departments, agencies, and instrumentalities wherever appropriate.

Subsection (m) provides that any person authorized by the President to enforce this section may, except as to public vessels, board and inspect vessels, arrest violators, and execute warrants or other process issued by an officer or court of competent jurisdiction. It is the hope of the conferees that the responsibility for this subsection will be vested in the Coast Guard.

Subsection (n) vests the district courts of the United States with jurisdiction for actions brought under this section other than those specifically authorized in the Court of Claims by subsection (i)(1). It further designates in the case of territories and possessions which of the district courts such actions shall be brought in.

Paragraph (1) of subsection (o) provides that nothing in this section will affect or modify the obligations of an owner or operator of a vessel or facility from which oil is discharged to any other person or agency under any provision of law for damages resulting from that discharge or the removal of that oil.

Paragraph (2) of subsection (o) disclaims any intention of preempting any State or political subdivision from imposing any requirement or liability with respect to the discharge of oil into waters in that State. Thus, any State would be free to provide requirements and penalties similar to those imposed by this section or additional requirements and penalties. These, however, would be separate and independent from those imposed by this section and would be enforced by the States through its courts.

Paragraph (3) of subsection (o) insures that nothing in this section is to be construed as affecting or modifying any other existing authority of any Federal department, agency, or instrumentality relative to onshore or offshore facilities under this Act, or any other provision of law, or to affect any State or local law not in conflict with this section.

Subsection (p) is essentially the same as the equivalent provisions of the House bill relating to the financial responsibility of vessels except that where the House bill required vessels over 100 gross registered tons to establish evidence of financial responsibility, this provision requires vessels over 300 gross tons to do so and the limits of liability are specified to be the same as those contained in subsection (f)(1), that is, $100 a gross ton or $14 million, whichever is lesser. Additionally, this provision spells out in paragraph (3) that claims for costs may be brought directly against the insurer providing the evidence of financial responsibility and in such case the insurer shall be entitled to all of the rights and defenses available to the owner or operator. It is the hope of the conferees that responsibility for administering paragraph (1) of this subsection will be vested in the Federal Maritime Commission. It is also the hope of the conferees that the marine insurance industry will modernize its coverage for protection of third parties without regard to the nature of the conduct of the insured.

Paragraph (4) of subsection (p) is essentially the same as the provisions of the House bill relating to a study of the need for other measures to provide financial responsibility and to limit liability on vessels and facilities subject to the provisions of this section. This report is to be submitted to Congress by January 1, 1971.

CONTROL OF HAZARDOUS POLLUTING SUBSTANCES

The conference substitute proposes to add a new section 12 to the Federal Water Pollution Control Act dealing with control of hazardous polluting substances. In general, this section is more nearly comparable to that proposed by the Senate amendment than to the House bill.

Section 12(a) would be the same as section 13(a) of the Senate amendment except that the President would be authorized to establish recommended methods and means for removing hazardous substances instead of establishing criteria therefor as provided in the Senate amendment.

Section 12(b) would apply the Administrative Procedure Act provisions as now contained in title V (other than the form of administrative proceeding provided in section 553(c)) in lieu of the detailed administrative proceedings and judicial review contained in the comparable Senate provisions.

Section 12(c) is essentially the same as section 13(g) of the Senate amendment except that the criminal penalty for failure to notify has been removed. This section does not contain the civil penalty provided in section 13(i) of the Senate amendment.

This section does not contain the authorities granted the President with respect to enforcement contained in sections 13(k) and 13(l) of the Senate amendment.

Section 12(g), relating to reports, with minor changes is essentially the same as section 13(n) of the Senate amendment.

Section 12(h) is essentially the same as section 13(o) of the Senate amendment.

CONTROL OF SEWAGE FROM VESSELS

The proposed new section 13 of the Federal Water Pollution Control Act relates to control of sewage from vessels.

Section 13(a) contains the same definitions as section 11 of the Senate amendment with the following changes:

(1) The term "public vessel" is defined to mean a vessel owned or bareboat chartered and operated by the United States, by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce.

(2) The definition of "manufacturer" is the same as contained in the House bill.

(3) The term "discharge" is defined as including, but not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(4) The term "marine sanitation device" is defined as also including any process to treat sewage.

Section 13(b)(1) relating to the establishment of standards for marine sanitation devices is essentially the same as contained in the House bill. Language is included in the vessel pollution portion of the conference substitute for the purpose of assuring that unreasonable demands are not made on small recreational vessels, but that marine sanitation device performance standards would only be promulgated when our technology permits these standards to be practicable and reasonable, and the degree of treatment will be adequate. The exemption of vessels that do not have installed toilet facilities relieves a burden upon those vessel owners who otherwise could be driven out because of the lack of feasibility of installing toilet facilities and marine sanitation devices on certain types of vessels.

Section 13(b)(2) provides that any existing vessel equipped with a marine sanitation device on the date of promulgation of initial standards and regulations under this section which device is in compliance with such initial standards and regulations shall be deemed in compliance with this section until such time as the device is replaced or is found not to be in compliance with such initial standards and regulations.

Section 13(c)(1) relating to the effective date of standards is the same as the House provision.

Section 13(c)(2) relating to differentiation and waiver is the same as the House provision with the exception that the Secretary of the department in which the Coast Guard is operating must consult with the Secretary of the Interior in distinguishing among classes, types, and sizes of vessels as well as between new and existing vessels; and, with respect to waiving applicability of standards and regulations as necessary or appropriate for such classes, types, or sizes, it is made clear that existing vessels equipped with marine sanitation devices on the date of promulgation of the initial standards required by this section are eligible for waiver of such standards.

Section 13(d) relating to federally owned vessels is essentially the same as the comparable provision of the House bill.

Section 13(e) relating to consultation with interested parties is the same as the provisions of the House bill.

Section 13(f) provides that after the effective date of the initial standards and regulations promulgated under this section no State or political subdivision thereof shall adopt or enforce any statute or regulation of any such State or political subdivision with respect to the design, manufacture, or installation or use of any marine sanitation device on any vessel subject to the provisions of this section. Upon application by a

State and, where the Secretary determines that any applicable water quality standards require such a prohibition, he shall by regulation completely prohibit the discharge from a vessel of any sewage whether treated or not into those waters of such State which are the subject of the application and to which such standards apply. The conferees expect there to be a wide dissemination of information of any such prohibition.

Sections 13 (g) through (m) relating to prohibitions and their enforcement are essentially the same as the equivalent provisions in the House bill.

AREA ACID AND OTHER MINE WATER POLLUTION CONTROL DEMONSTRATIONS

The proposed new section 15 is the same as the equivalent provisions in both the House bill and the Senate amendment which are substantially identical.

POLLUTION CONTROL IN THE GREAT LAKES

The proopsed new section 15 is the same as the equivalent provisions in both the House bill and the Senate amendment which are substantially identical.

TRAINING GRANTS AND CONTRACTS

Sections 16 through 19 of the conference substitute relating to training grants and contracts are essentially the same as the equivalent provisions contained in the House bill.

ALASKA VILLAGE FACILITIES

The conference substitute proposes to add a new section 20 to the Federal Water Pollution Control Act entitled "Alaska Village Demonstration Projects".

This section would authorize the Secretary, in agreement with the State of Alaska, to carry out demonstration projects for central community facilities for safe water and the elimination or control of water pollution in native villages of Alaska without these facilities. These projects are to include provisions for safe water supply systems, toilets, bathing and laundering facilities, sewage disposal facilities, and similar facilities of that type. In addition, educational and informational facilities and programs relating to health and hygiene are authorized as part of the demonstration projects. The purpose of these demonstration projects is to assist in developing preliminary plans for providing these types of facilities for all native villages in Alaska.

In carrying out this section, the Secretary is to cooperate with the Secretary of Health, Education, and Welfare in order to utilize personnel and facilities of that department to the extent appropriate.

A report to Congress not later than January 31, 1973, is required.

There is authorized to be appropriated not to exceed $1,000,000 to carry out this new section.

It is the understanding of the conferees that these demonstration projects will not extend to the construction of facilities other than those which are centrally located and usable on a community-wide basis. Facilities for individual dwellings are not authorized under this section.

COOPERATION BY FEDERAL AGENCIES IN THE CONTROL OF POLLUTION

Section 103 of the conference substitute redesignates existing section 11 of the Federal Water Pollution Control Act as section 21 and revises that section substantially as follows:

Section 21(a) would require each Federal department, agency, and instrumentality (hereafter referred to as a "Federal agency") having jurisdiction over any real property or facility or engaged in any Federal public works activity to insure compliance with applicable water quality standards and the purposes of the Federal Water Pollution Control Act in the administration of that property, facility, or activity, to the extent consistent with the paramount interest of the United States as determined by the President. The jurisdiction of a Federal agency referred to in this provision includes operations of the agencies carried on by lease and by contract and therefore would subject these lease and contract operations to the requirements of this subsection. In his summary of the conference pursuant to section 10(d)(4) of the Act, the Secretary is required to include reference to any discharges alleged to contribute to pollution from any Federal property, facility, or activity and to send a copy of that summary to the head of the Federal agency having jurisdiction thereof. Notice of a hearing pursuant to section 10(f) of the Act involving any pollution alleged to be caused by any such discharges shall also be given the Federal agency having jurisdiction over the property, facility, or activity involved and the hearing board's findings and recommendations shall include references to such discharges to the extent they are contributing to the pollution.

Section 21(b) requires any applicant for a Federal license or permit to conduct any activity (this includes constructing or operating facilities) which may result in any discharge into navigable waters of the United States to provide the licensing or permitting agency with a certification from the State in which the discharge originates or will originate or a certification from the interstate water pollution control agency having jurisdiction over the navigable waters at the point where the discharge originates or will originate if such a certification is appropriate from such interstate agency rather than from the State of origin. This certification must state that there is reasonable assurance as determined by the certifying State or interstate agency that the activity proposed to be licensed or permitted will be conducted in a manner which will not violate applicable water quality standards. The State is required to provide public notice with respect to all applications received by it for certification and, to the extent that the State determines it appropriate, to establish procedures for holding public hearings with respect to specific applications. If these standards have been promulgated by the Secretary, or, if a State or interstate agency has no authority to make such a certification, then the certification must be obtained from the Secretary. In order to insure that sheer inactivity by the State, interstate agency, or Secretary, as the case may be, will not frustrate the Federal application, a requirement, similar to that contained in the House bill is contained in the conference substitute that if within a reasonable period, which cannot exceed one year, after it has received a request to certify, the State, interstate agency, or Secretary, as this case may be, fails or refuses to act on the request for certification, then the certification requirement is waived. If a State refuses to give a certification, the courts of that State are the forum in which the applicant must challenge that refusal if the applicant wishes to do so. No Federal license or permit shall be granted unless this certification has first been obtained or there has been a waiver of the requirement as provided by this subsection. Denial of certification by a State, interstate agency, or the Secretary, as the case may be, results in a complete prohibition against the issuance of the Federal license or permit.

When a licensing or permitting agency receives an application and a certification, it must immediately notify the Secretary of the Interior thereof. Whenever such a discharge may affect the quality of the waters of any other State as determined by the Secretary, then the Secretary shall, within 30 days of the date he is notified of the application for the Federal license or permit, notify such other State, the licensing or permitting agency, and the applicant. If within 60 days thereafter the State so determined to be affected determines that the discharge will affect the quality of its waters so as to violate its water quality standards and within that 60-day period notifies the Secretary and the licensing or permitting agency of its objection to the issuance of the license or permit and requests a public hearing on its objection, such a public hearing shall be held by the licensing or permitting agency. At that hearing the Secretary of the Interior shall submit his evaluation and recommendations with respect to the objection to the licensing or permitting agency. Based upon the recommendations of the State, the Secretary, and any additional evidence presented at the hearing, the agency shall condition the license or permit so as to insure compliance with applicable water quality standards. If conditions cannot insure this compliance, the license or permit shall not be issued.

Inthe case where a Federal license or permit is required both as to the construction of a facility and its operation, the initial certification required for the construction license or permit shall fulfill the requirements of this subsection with respect to certification for a Federal license or permit to operate that facility unless the certifying State, interstate agency, or Secretary, as the case may be, after having been given notice of the application for an operating license or permit by the agency to whom the application is made notifies that agency within 60 days that there is no longer reasonable assurance of compliance with applicable water quality standards because of changes since the construction license or permit certification was issued in (1) the construction or operation of the facility, (2) the characteristics of the waters into which the discharge is to be made, or (3) the water quality standards applicable to those waters. This paragraph is made inapplicable if the applicant for the operating license or permit has not provided the certifying State, interstate agency, or Secretary, as the case may be, with notice of any proposed changes in the construction or operation of the facility which changes may result in violation of applicable water quality standards.

Before the initial operation of a federally licensed or permitted facility or activity with respect to which a certification has been obtained under this provision which facility or activity is not subject to a Federal operating license or permit, the licensee or permittee is required to provide an opportunity to the certifying State, agency, or Secretary, as the case may be, to review the manner of operation of the facility for the purpose of assuring that applicable water quality standards will not be violated. Upon notification by such certifying State, agency, or Secretary, as the case may be, that operation of this facility will violate applicable water quality standards, the Federal agency may, after public hearing suspend the license or permit until notification is received from the certifying State, agency, or Secretary, as the case may be, that there is reasonable assurance that the facility or activity will not violate applicable water quality standards. This right to review the manner of operation of a facility or activity is not to be construed as authority to the State, agency, or Secretary, as the case may be, to impose operational requirements with respect to that facility or activity.

If a judgment is entered under section 10(h) of the Act that a federally licensed or permitted facility or activity has been operated in violation of applicable water quality standards, then the Federal license or permit with respect to which a certification has been obtained under this provision may be suspended or revoked by the Federal agency issuing that license or permit.

No Federal agency is to be deemed to be an applicant for the purposes of this subsection.

If the actual construction of a facility has been lawfully commenced before the date of enactment of the Water Quality Improvement Act of 1970, then no certification is to be required for a license or permit issued thereafter to operate such facility except that if such a license or permit is issued without this certification it shall terminate at the end of three years from the date of enactment of the Act of 1970 unless before such date a proper certification is submitted to the licensing or permitting agency and the person having that license or permit otherwise meets the requirements of this subsection.

Except as provided in the preceding paragraph, an applicant for a license or permit pending on the date of enactment of the Water Quality Improvement Act of 1970, which license or permit is issued within one year after that date, will not require certification for a one-year period following the date of issuance of the license or permit except that that license or permit will terminate at the end of one year unless before that expiration date the licensee or permittee submits a certification and otherwise meets the requirements of this subsection.

In the case of any activity which will affect water quality for which there are no applicable standards, no certification will be required. However, a Federal licensing or permitting agency, in such event, must impose, as a condition of any license or permit a requirement that the licensee or permittee shall comply with the purposes of the Act.

If a State in which a discharge originates or the Secretary notifies a Federal agency that its licensee or permittee has received notice of the adoption of water quality standards applicable to such activity and has failed to comply with the standards, the Federal agency must after a period of time, suspend license or permit until notice is received that there is reasonable assurance of compliance.

Nothing in this section is to be construed to limit the authority of any department or agency pursuant to any other provision of law to require compliance with applicable water quality standards. The Secretary of the Interior is also directed to provide technical assistance to carry out the purposes of this Act.

This section will also authorize the Chief of Engineers to permit the use of spoil disposal areas under his jurisdiction by a Federal licensee or permittee to charge for that use with the moneys received to be deposited in miscellaneous receipts of the Treasury. In considering the "public interest" the Chief of Engineers should take into consideration the necessity to maintain non-Federal dock and berthing facilities which are essential to the functioning of the Federal navigation project. In determining the needs and utilization of spoil disposal areas under the jurisdiction of the Chief of Engineers, he should give appropriate consideration to the related requirements of the non-Federal dredging activities and should consider their needs for disposal on the same basis as those of the Federal Government. Where local interests donates land, or shares in the costs of construction of spoil disposal areas, local interest should be permitted reasonable use of the area, utilizing the same standards as set forth in the two preceding sentences, at a nominal charge.

AWARDS FOR EXCELLENCE

Section 104 of the conference substitute adds a new subsection (f) to redesignated section 22 of the Federal Water Pollution Control Act to authorize a program of official recognition by the United States to industrial organizations and political subdivisions which during the preceding year demonstrated either outstanding technological achievement or an innovative process, method, or device in their waste treatment and pollution abatement programs. The Secretary is to establish appropriate regulations for application for and granting of this award. No applicant is to be eligible if he is not in total compliance with all applicable water quality standards and does not otherwise have a satisfactory record with respect to environmental quality. The award is to be a certificate or plaque of suitable design, and notification of the award is to be published in the Federal Register.

RESEARCH, INVESTIGATIONS, TRAINING AND INFORMATION

Section 105 of the conference substitute amends section 5 of the Federal Water Pollution Control Act as follows:

(1) By relettering the last two subsections and inserting after subsection (f) new subsections (g) through (l).

(2) The new subsection (g) provides the same authority with respect to training of personnel as was provided by the Senate amendment in its amendment to section 5(g).

The new subsection (h) provides for the same authority with respect to lake eutrophication as was contained in the Senate amendment. It would authorize financial assistance for the construction of publicly owned research facilities by public agencies, including publicly owned universities.

The new subsection (i), relating to research on oil removal problems with the substitution of the requirement that the specifications be developed from time to time rather than by June 30, 1970, and with other minor changes is the same as the Senate amendment in this regard.

The new subsection (j), relating to marine sanitation device research is essentially the same as the provisions contained in the proposed subsection (j) in the House bill.

The new subsection (k), relating to land acquisition, is essentially the same as the comparable provisions in both the House bill and Senate amendment.

The new subsection (l) is essentially the same as the proposed subsection (j) in the Senate amendment relating to pesticides with the exception that reference to criteria has been deleted, and the term "scientific knowledge" substituted therefor, and the requirement of making the study on pesticides has been placed in the President rather than the Secretary. The conferees expect that the Secretary will consult with the Secretary of HEW on the health aspects of pesticides and will avoid duplication of the research activities of the Department of HEW.

In addition, this provision would extend through fiscal year 1971 the $1,000,000 authorized for the estuarine studies authorized in redesignated subsection (m) and would extend through fiscal year 1971 the authorization of $65,000,000 per year for carrying out section 5 on research and would authorize for subsection (g)(1) training $5,000,000 for fiscal year 1970 and $7,500,000 for fiscal year 1971, and $2,500,000 per fiscal year for each of those two fiscal years for carrying out subsection (g)(2) training. The extension of the estuarian authorization is necessary in connection with the gathering of additional information which may be required as the result of hearings now being held by the Public Works Committee.

FINANCING STUDY

Section 109 of the conference substitute, authorizes this study, excluding from it, however, the methods already authorized by existing law and extending to December 31, 1970, the reporting date. The authorization of this study is not to be construed as a weakening of the congressional commitment to the financing methods for water pollution control programs now authorized by law.

NAME CHANGE

Section 10 of the conference substitute provides for changing the name of the Federal Water Pollution Control Administration to that of the Federal Water Quality Administration.

REIMBURSEMENT

Section 111 of the conference substitute amends section 8(c) of the Federal Water Pollution Control Act to include for the purpose of making reimbursement, those States having projects eligible for reimbursement pursuant to the sixth and seventh sentences of subsection (c) of section 8.

The conferees agreed that this is merely a clarifying amendment and the authority for these reimbursements is contained in existing law. However, for clarification purposes, the specific words are added to the law.

NAVIGATION

Section 112 of the conference substitute adds a new sentence to section 10(c)(3) of the Federal Water Pollution Control Act. The intent and purpose of this sentence is the same as that of the Senate amendment, that is to ensure that "navigation" will be considered in the same manner and to the same extent as the other enumerated classes in the establishment of standards. The conference substitute differs from the Senate amendment only in technique in order to avoid any possible misinterpretation of this provision.

ENVIRONMENTAL QUALITY

Title II of the conference substitute relates to environmental quality.

Section 201 cites the title as the "Environmental Quality Improvement Act of 1970".

Section 202 makes certain congressional findings relating to the national policy set forth in existing statutes relating to environmental pollution, control, water, and land resources, transportation, and economic and regional development. It also finds that the primary responsibility for implementing this national policy rests with the State and local governments, and encourages the implementation of the policy through regional organizations.

The section declares that the purposes of the title are to assure that existing Federal departments and agencies conducting or supporting public works activities affecting the environment shall implement the policies established under existing law and to authorize an Office of Environmental Quality.

Section 203 establishes in the Executive Office of the President an Office of Environmental Quality. The Chairman of the Council on Environmental Quality is to be the Director of this Office. A Deputy Director is authorized to be appointed by the President by and with the advice and consent of the Senate, and his compensation is provided for. The Director is authorized to employ necessary personnel. These personnel would be employed in accordance with the general classification laws and paid in accordance with the General Schedule, except that authority is granted for the employment of not to exceed ten specialists and experts without regard to the provisions of law governing appointment and payment in the competitive service, with the further condition that no such specialist or expert shall be paid at a rate above that of the maximum for GS–18. The conferees expect a report to the Public Works Committees from the Council on Environmental Quality within 90 days after the date of enactment of this Act on their staff needs, in terms of numbers, grades, and functions of temporary and permanent staff personnel.

In carrying out his functions, the Director shall assist and advise the President on policies and programs of the Federal Government affecting environmental quality by—

(1) providing the professional and administrative staff and support for the Council on Environmental Quality;

(2) assisting the Federal agencies and departments in appraising the effectiveness of existing and proposed facilities, programs,

policies, and activities of the Federal Government which affect environmental quality as well as those specific major projects designated by the President which do not require individual project authorization by Congress and which affect environmental quality;

(3) reviewing the adequacy of existing systems for monitoring and predicting environmental changes in order to achieve effective coverage and efficient use of research facilities and other resources;

(4) promoting the advancement of scientific knowledge of the effects of actions and technology on the environment and encourage the development of the means to prevent or reduce adverse effects that endanger the health and well-being of man;

(5) assisting in coordinating among the Federal departments and agencies those programs and activities which affect, protect, and improve environmental quality;

(6) assisting the Federal departments and agencies in the development and interrelationship of environmental quality criteria and standards established through the Federal Government;

(7) collecting, collating, analyzing, and interpreting data and information on environmental quality, ecological research and evaluation.

The Director in carrying out his functions is authorized to contract with public or private agencies, institutions, and organizations and individuals.'

Section 204 provides for referral of the Environmental Quality Report to each standing committee of Congress having jurisdiction over any part of its subject matter.

Section 204 authorizes $500,000 for fiscal year 1970, $750,000 for fiscal year 1971, $1,250,000 for fiscal year 1972, and $1,500,000 for fiscal year 1973, in addition to the existing authorizations.

APPENDIX A

CHANGES IN THE FEDERAL WATER POLLUTION CONTROL ACT PROPOSED TO BE MADE BY THE CONFERENCE SUBSTITUTE FOR H.R. 4148

For the information of the Members of the House of Representatives, changes in the Federal Water Pollution Control Act proposed to be made by the conference substitute for H.R. 4148, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

FEDERAL WATER POLLUTION CONTROL ACT

AN ACT To provide for water pollution control activities in the Public Health Service of the Department of Health, Education, and Welfare, and for other purposes.

DECLARATION OF POLICY

SECTION 1. (a) The purpose of this Act is to enhance the quality and value of our water resources and to establish a national policy for the prevention, control, and abatement of water pollution.

(b) In connection with the exercise of jurisdiction over the waterways of the Nation and in consequence of the benefits resulting to the public health and welfare by the prevention and control of water pollution, it is hereby declared to be the policy of Congress to recognize, preserve, and protect the primary responsibilities and rights of the States in preventing and controlling water pollution, to support and aid technical research relating to the prevention and control of water pollution, and to provide Federal technical services and financial aid to State and interstate agencies and to municipalities in connection with the prevention and control of water pollution. The Secretary of Health, Education, and Welfare (hereinafter in this Act called "Secretary") shall administer this Act through the Administration created by section 2 of this Act, and with the assistance of an Assistant Secretary of Health, Education, and Welfare designated by him, shall supervise and direct (1) the head of such Administration in administering this Act and (2) the administration of all other functions of the Department of Health, Education, and Welfare related to water pollution. Such Assistant Secretary shall perform such additional functions as the Secretary may prescribe.

(c) Nothing in this Act shall be construed as impairing or in any manner affecting any right or jurisdiction of the States with respect to the waters (including boundary waters) of such States.

FEDERAL WATER POLLUTION CONTROL ADMINISTRATION

SEC. 2. Effective ninety days after the date of enactment of this section there is created within the Department of Health, Education, and Welfare a [Federal Water Pollution Control Administration] *Federal Water Quality Administration* (hereinafter in this Act referred to as the "Administration"). The head of the Administration shall be appointed, and his compensation fixed, by the Secretary. The head of the Administration may, in addition to regular staff of the Administration, which shall be initially provided from the personnel of the Department, obtain, from within the Department or otherwise as authorized by law, such professional, technical, and clerical assistance as may be necessary to discharge the Administration's functions and may for that purpose use funds available for carrying out such functions; and he may delegate any of his functions to, or otherwise authorize their performance by, an officer or employee of, or assigned or detailed to the Administration.

COMPREHENSIVE PROGRAMS FOR WATER POLLUTION CONTROL

SEC. 3. (a) The Secretary shall, after careful investigation, and in cooperation with other Federal agencies, with State water pollution control agencies and interstate agencies, and with the municipalities and industries involved, prepare or develop comprehensive programs for eliminating or reducing the pollution of interstate waters and tributaries thereof and improving the sanitary conditions of surface and underground waters. In the development of such comprehensive programs due regard shall be given to the improvements which are necessary to conserve such waters for public water supplies, propagation of fish and aquatic life and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses. For the purpose of this section, the Secretary is authorized to make joint investigations with any such agencies of the condition of any waters in any State or States, and of the discharges of any sewage, industrial wastes, or substance which may adversely affect such waters.

(b) (1) In the survey or planning of any reservoir by the Corps of Engineers, Bureau of Reclamation, or other Federal agency, consideration shall be given to inclusion of storage for regulation of stream-flow for the purpose of water quality control, except that any such storage and water releases shall not be provided as a substitute for adequate treatment or other methods of controlling waste at the source.

(2) The need for and the value of storage for this purpose shall be determined by these agencies, with the advice of the Secretary, and his views on these matters shall be set forth in any report or presentation to the Congress proposing authorization or construction of any reservoir including such storage.

(3) The value of such storage shall be taken into account in determining the economic value of the entire project of which it is a part, and costs shall be allocated to the purpose of water quality control in a manner which will insure that all project purposes share equitably in the benefits of multiple-purpose construction.

(4) Costs of water quality control features incorporated in any Federal reservoir or other impoundment under the provisions of this Act shall be determined and the beneficiaries identified and if the benefits are widespread or national in scope, the costs of such features shall be nonreimbursable.

(c) (1) The Secretary shall, at the request of the Governor of a State, or a majority of the governors when more than one State is involved, make a grant to pay not to exceed 50 per centum of the administrative expenses of a planning agency for a period not to exceed 3 years, if such agency provides for adequate representation of appropriate State, interstate, local, or (when appropriate) international, interests in the basin or portion thereof involved and is capable of developing an effective comprehensive water quality control and abatement plan for a basin.

(2) Each planning agency receiving a grant under this subsection shall develop a comprehensive pollution control and abatement plan for the basin which—

(A) is consistent with any applicable water quality standards established pursuant to current law within the basin;

(B) recommends such treatment works and sewer systems as will provide the most effective and economical means of collection, storage, treatment, and purification of wastes and recommends means to encourage both municipal and industrial use of such works and systems; and

(C) recommends maintenance, and improvement of water quality standards within the basin or portion thereof and recommends methods of adequately financing those facilities as may be necessary to implement the plan.

(3) For the purposes of this subsection the term "basin" includes, but is not limited to, rivers and their tributaries, streams, coastal waters, sounds, estuaries, bays, lakes, and portions thereof, as well as the lands drained thereby.

INTERSTATE COOPERATION AND UNIFORM LAWS

SEC. 4. (a) The Secretary shall encourage cooperative activities by the States for the prevention and control of water pollution; encourage the enactment of improved and, so far as practicable, uniform State laws relating to the prevention and control of water pollution; and encourage compacts between States for the prevention and control of water pollution.

(b) The consent of the Congress is hereby given to two or more States to negotiate and enter into agreements or compacts, not in conflict with any law or treaty of the United States, for (1) cooperative effort and mutual assistance for the prevention and control of water pollution and the enforcement of their respective laws relating thereto, and (2) the establishment of such agencies, joint or otherwise, as they may deem desirable for making effective such agreements and compacts. No such agreement or compact shall be binding or obligatory upon any State a party thereto unless and until it has been approved by the Congress.

RESEARCH, INVESTIGATIONS, TRAINING, AND INFORMATION

SEC. 5. (a) The Secretary shall conduct in the Department of Health, Education, and Welfare and encourage, cooperate with, and render assistance to other appropriate public (whether Federal, State, interstate, or local) authorities, agencies, and institutions, private agencies and institutions, and individuals, in the conduct of, and promote the coordination of, research, investigations, experiments, demonstrations, and studies relating to the causes, control, and prevention

of water pollution. In carrying out the foregoing, the Secretary is authorized to—

(1) collect and make available, through publications and other appropriate means, the results of and other information as to research, investigations, and demonstrations relating to the prevention and control of water pollution, including appropriate recommendations in connection therewith;

(2) make grants-in-aid to public or private agencies and institutions and to individuals for research or training projects and for demonstrations, and provide for the conduct of research, training, and demonstrations by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes;

(3) secure, from time to time and for such periods as he deems advisable, the assistance and advice of experts, scholars, and consultants as authorized by section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 55a);

(4) establish and maintain research fellowships in the Department of Health, Education, and Welfare with such stipends and allowances, including traveling and subsistence expenses, as he may deem necessary to procure the assistance of the most promising research fellowships: *Provided*, That the Secretary shall report annually to the appropriate committees of Congress on his operations under this paragraph; and

(5) provide training in technical matters relating to the causes, prevention, and control of water pollution to personnel of public agencies and other persons with suitable qualifications.

(b) The Secretary may, upon request of any State water pollution control agency, or interstate agency, conduct investigations and research and make surveys concerning any specific problem of water pollution confronting any State, interstate agency, community, municipality, or industrial plant, with a view of recommending a solution of such problem.

(c) The Secretary shall, in cooperation with other Federal, State, and local agencies having related responsibilities, collect and disseminate basic data on chemical, physical, and biological water quality and other information insofar as such data or other information relate to water pollution and the prevention and control thereof.

(d) In carrying out the provisions of this section the Secretary shall develop and demonstrate under varied conditions (including conducting such basic and applied research, studies, and experiments as may be necessary):

(A) practicable means of treating municipal sewage and other waterborne wastes to remove the maximum possible amounts of physical, chemical, and biological pollutants in order to restore and maintain the maximum amount of the Nation's water at a quality suitable for repeated reuse;

(B) improved methods and procedures to identify and measure the effects of pollutants on water uses, including those pollutants created by new technological developments; and

(C) methods and procedures for evaluating the effects on water quality and water uses of augmented streamflows to control water pollution not susceptible to other means of abatement.

(e) The Secretary shall establish, equip, and maintain field laboratory and research facilities, including, but not limited to, one to be located in the northeastern area of the United States, one in the Middle Atlantic area, one in the southeastern area, one in the midwestern area, one in the southwestern area, one in the Pacific Northwest, and one in the State of Alaska, for the conduct of research, investigations, experiments, field demonstrations and studies, and training relating to the prevention and control of water pollution. Insofar as practicable, each such facility shall be located near institutions of higher learning in which graduate training in such research might be carried out.

(f) The Secretary shall conduct research and technical development work, and make studies, with respect to the quality of the waters of the Great Lakes, including an analysis of the present and projected future water quality of the Great Lakes under varying conditions of waste treatment and disposal, and evaluation of the water quality needs of those to be served by such waters, and evaluation of municipal, industrial, and vessel waste treatment and disposal practices with respect to such waters, and a study of alternate means of solving water pollution problems (including additional waste treatment measures) with respect to such waters.

(g) (1) For the purpose of providing an adequate supply of trained personnel to operate and maintain existing and future treatment works and related activities, and for the purpose of enhancing substantially the proficiency of those engaged in such activities, the Secretary shall finance a pilot program, in cooperation with State and interstate agencies, municipalities, educational institutions, and other organizations and individuals, of manpower development and training and retraining of persons in, or entering into, the field of operation and maintenance of treatment works and related activities. Such program and any funds expended for such a program shall supplement, not supplant, other manpower and training programs and funds available for the purposes of this paragraph. The Secretary is authorized, under such terms and conditions as he deems appropriate, to enter into agreements with one or more States, acting jointly or severally, or with other public or private agencies or institutions for the development and implementation of such a program.

(2) The Secretary is authorized to enter into agreements with public and private agencies and institutions, and individuals to develop and maintain an effective system for forecasting the supply of, and demand for, various professional and other occupational categories needed for the prevention, control, and abatement of water pollution in each region, State, or area of the United States and, from time to time, to publish the results of such forecasts.

(3) In furtherance of the purposes of this Act, the Secretary is authorized to—

(A) make grants to public or private agencies and institutions and to individuals for training projects, and provide for the conduct of training by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes;

(B) establish and maintain research fellowships in the Department of the Interior with such stipends and allowances, including traveling and subsistence expenses, as he may deem necessary to procure the assistance of the most promising research fellowships; and

(C) provide, in addition to the program established under paragraph (1) of this subsection, training in technical matters relating to the causes, prevention, and control of water pollution for personnel of public agencies and other persons with suitable qualifications.

(4) The Secretary shall submit, through the President, a report to the Congress within eighteen months from the date of enactment of this subsection, summarizing the actions taken under this subsection and the effectiveness of such actions, and setting forth the number of persons trained, the occupational categories for which training was provided, the effectiveness of other Federal, State, and local training programs in this field, together with estimates of future needs, recommendations on improving training programs, and such other information and recommendations, including legislative recommendations, as he deems appropriate.

(h) The Secretary is authorized to enter into contracts with, or make grants to, public or private agencies and organizations and individuals for (A) the purpose of developing and demonstrating new or improved methods for the prevention, removal, and control of natural or manmade pollution in lakes, including the undesirable effects of nutrients and vegetation, and (B) the construction of publicly owned research facilities, for such purpose.

(i) The Secretary shall—

(A) engage in such research, studies, experiments, and demonstrations as he deems appropriate, relative to the removal of oil from any waters and to the prevention and control of oil pollution;

(B) publish from time to time the results of such activities; and

(C) from time to time, develop and publish in the Federal Register specifications and other technical information on the various chemical compounds used as dispersants or emulsifiers in the control of oil spills.

In carrying out this subsection, the Secretary may enter into contracts with, or make grants to, public or private agencies and organizations and individuals.

(j) The Secretary shall engage in such research, studies, experiments, and demonstrations as he deems appropriate relative to equipment which is to be installed on board a vessel and is designed to receive, retain, treat, or discharge human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes with particular emphasis on equipment to be installed on small recreational vessels. The Secretary shall report to Congress the results of such research, studies, experiments, and demonstrations prior to the effective date of any standards established under section 13 of this Act. In carrying out this subsection the Secretary may enter into contracts with, or make grants to, public or private organizations and individuals.

(k) In carrying out the provisions of this section relating to the conduct by the Secretary of demonstration projects and the development of field laboratories and research facilities, the Secretary may acquire land and interests therein by purchase, with appropriated or donated funds, by donation, or by exchange for acquired or public lands under his jurisdiction which he classifies as suitable for disposition. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

(l) (1) The Secretary shall, after consultation with appropriate local, State, and Federal agencies, public and private organizations, and interested individuals, as soon as practicable but not later than two years after the effective date of this subsection, develop and issue to the States for the purpose of adopting standards pursuant to section 10(c) the latest scientific knowledge available in indicating the kind and extent of effects on health and welfare which may be expected from the presence of pesticides in the water in varying quantities. He shall revise and add to such information whenever necessary to reflect developing scientific knowledge.

(2) For the purpose of assuring effective implementation of standards adopted pursuant to paragraph (1) the President shall, in consultation with appropriate local, State, and Federal agencies, public and private organizations, and interested individuals, conduct a study and investigation of methods to control the release of pesticides into

the environment, which study shall include examination of the persistency of pesticides in the water environment and alternatives thereto. The President shall submit a report on such investigation to Congress together with his recommendations for any necessary legislation within two years after the effective date of this subsection.

[(g)] *(m)* (1) The Secretary shall, in cooperation with the Secretary of the Army, the Secretary of Agriculture, the Water Resources Council, and with other appropriate Federal, State, interstate, or local public bodies and private organizations, institutions, and individuals, conduct and promote, and encourage contributions to, a comprehensive study of the effects of pollution, including sedimentation, in the estuaries and estuarine zones of the United States on fish and wildlife, on sport and commercial fishing, on recreation, on water supply and water power, and on other beneficial purposes. Such study shall also consider the effect of demographic trends, the exploitation of mineral resources and fossil fuels, land and industrial development, navigation, flood and erosion control, and other uses of estuaries and estuarine zones upon the pollution of the waters therein.

(2) In conducting the above study, the Secretary shall assemble, coordinate, and organize all existing pertinent information on the Nation's estuaries and estuarine zones, carry out a program of investigations and surveys to supplement existing information in representative estuaries and estuarine zones and identify the problems and areas where further research and study are required.

(3) The Secretary shall submit to the Congress a final report of the study authorized by this subsection not later than three years after the date of enactment of this subsection. Copies of the report shall be made available to all interested parties, public and private. The report shall include, but not be limited to—

(A) an analysis of the importance of estuaries to the economic and social well-being of the people of the United States and of the effects of pollution upon the use and enjoyment of such estuaries;

(B) a discussion of the major economic, social, and ecological trends occurring in the estuarine zones of the Nation;

(C) recommendations for a comprehensive national program for the preservation, study, use, and development of estuaries of the Nation, and the respective responsibilities which should be assumed by Federal, State, and local governments and by public and private interests.

(4) There is authorized to be appropriated the sum of $1,000,000 per fiscal year for the fiscal years ending June 30, 1967, June 30, 1968, [and June 30, 1969,], *June 30, 1969, June 30, 1970, and June 30, 1971,* to carry out the purposes of this subsection.

(5) For the purpose of this subsection, the term "estuarine Zones" means an environmental system consisting of an estuary and those transitional areas which are consistently influenced or affected by water from an estuary such as, but not limited to, salt marshes, coastal and intertidal areas, bays, harbors, lagoons, inshore waters, and channels, and the term "estuary" means all or part of the mouth of a navigable or interstate river or stream or other body of water having unimpaired natural connection with open sea and within which the sea water is measurably diluted with fresh water derived from land drainage.

[(h)] *(n)* There is authorized to be appropriated to carry out this section, other than subsection [(g), not to exceed $60,000,000 for the fiscal year ending June 30, 1968, and $65,000,000 for the fiscal year ending June 30, 1969] *(g) (1) and (2), not to exceed $65,000,000 per fiscal year for each of the fiscal years ending June 30, 1969, and June 30, 1970, and June 30, 1971. There is authorized to be appropriated to carry out subsection (g) (1) of this section $5,000,000 for the fiscal year ending June 30, 1970, and $7,500,000 for the fiscal year ending June 30, 1971. There is authorized to be appropriated to carry out subsection (g)(2) of this section $2,500,000 per fiscal year for each of the fiscal years ending June 30, 1970, and June 30, 1971.* Sums so appropriated shall remain available until expended.

GRANTS FOR RESEARCH AND DEVELOPMENT

SEC. 6. (a) The Secretary is authorized to make grants to any State, municipality, or intermunicipal or interstate agency for the purpose of—

(1) assisting in the development of any project which will demonstrate a new or improved method of controlling the discharge into any waters of untreated or inadequately treated sewage or other wastes from sewers which carry storm water or both storm water and sewage or other wastes, or

(2) assisting in the development of any project which will demonstrate advanced waste treatment and water purification methods (including the temporary use of new or improved chemical additives which provide substantial immediate improvement to existing treatment processes) or new or improved methods of joint treatment systems for municipal and industrial wastes,

and for the purpose of reports, plans, and specifications in connection therewith.

(b) The Secretary is authorized to make grants to persons for research and demonstration projects for prevention of pollution of waters by industry including but not limited to, treatment of industrial waste.

(c) Federal grants under subsection (a) of this section shall be subject to the following limitations:

(1) No grant shall be made for any project pursuant to this section unless such project shall have been approved by the appropriate State water pollution control agency or agencies and by the Secretary;

(2) No grant shall be made for any project in an amount exceeding 75 per centum of the estimated reasonable cost thereof as determined by the Secretary; and

(3) No grant shall be made for any project under this section unless the Secretary determines that such project will serve as a useful demonstration for the purpose set forth in clause (1) or (2) of subsection (a).

(d) Federal grants under subsection (b) of this section shall be subject to the following limitations:

(1) No grant shall be made under this section in excess of $1,000,000;

(2) No grant shall be made for more than 70 per centum of the cost of the project; and

(3) No grant shall be made for any project unless the Secretary determines that such project will serve a useful purpose in the development or demonstration of a new or improved method of treating industrial wastes or otherwise preventing pollution of waters by industry, which method shall have industry-wide application.

(e) For the purposes of this section there are authorized to be appropriated—

(1) for the fiscal year ending June 30, 1966, and for each of the next [three] *five* succeeding fiscal years, the sum of $20,000,000 per fiscal year for the purposes set forth in subsections (a) and (b) of this section, including contracts pursuant to such subsections for such purposes;

(2) for the fiscal year ending June 30, 1967, and for each of the next [two] *four* succeeding fiscal years, the sum of $20,000,000 per fiscal year for the purpose set forth in clause (2) of subsection (a); and

(3) for the fiscal year ending June 30, 1967, and for each of the next [two] *four* succeeding fiscal years, the sum of $20,000,000 per fiscal year for the purpose set forth in subsection (b).

GRANTS FOR WATER POLLUTION CONTROL PROGRAMS

SEC. 7. (a) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1957, and for each succeeding fiscal year to and including the fiscal year ending June 30, 1961, $3,000,000, for each succeeding fiscal year to and including the fiscal year ending June 30, 1967, $5,000,000, and for each succeeding fiscal year to and including the fiscal year ending June 30, 1971, $10,000,000 for grants to States and to interstate agencies to assist them in meeting the costs of establishing and maintaining adequate measures for the prevention and control of water pollution, including the training of personnel of public agencies.

(b) The portion of the sums appropriated pursuant to subsection (a) for a fiscal year which shall be available for grants to interstate agencies and the portion thereof which shall be available for grants to States shall be specified in the Act appropriating such sums.

(c) From the sums available therefor for any fiscal year the Secretary shall from time to time make allotments to the several States, in accordance with regulations, on the basis of (1) the population, (2) the extent of the water pollution problem, and (3) the financial need of the respective States.

(d) From each State's allotment under subsection (c) for any fiscal year the Secretary shall pay to such State an amount equal to its Federal share (as determined under subsection (h)) of the cost of carrying out its State plan approved under subsection (f), including the cost of training personnel for State and local water pollution control work and including the cost of administering the State plan.

(e) From the sums available therefor for any fiscal year the Secretary shall from time to time make allotments to interstate agencies, in accordance with regulations, on such basis as the Secretary finds reasonable and equitable. He shall from time to time pay to each such agency, from its allotment, an amount equal to such portion of the cost of carrying out its plan approved under subsection (f) as may be determined in accordance with regulations, including the cost of training personnel for water pollution control work and including the cost of administering the interstate agency's plan. The regulations relating to the portion of the cost of carrying out the interstate agency's plan which shall be borne by the United States shall be designed to place such agencies, so far as practicable, on a basis similar to that of the States.

(f) The Secretary shall approve any plan for the prevention and control of water pollution which is submitted by the State water pollution control agency or, in the case of an interstate agency, by such agency, if such plan—

(1) provides for administration or for the supervision of administration of the plan by the State water pollution control agency or, in the case of a plan submitted by an interstate agency, by such interstate agency;

(2) provides that such agency will make such reports, in such form and containing such information, as the Secretary may from time to time reasonably require to carry out his functions under this Act;

(3) sets forth the plans, policies, and methods to be followed in carrying out the State (or interstate) plan and in its administration;

(4) provides for extension or improvement of the State or interstate program for prevention and control of water pollution;

(5) provides such accounting, budgeting, and other fiscal methods and procedures as are necessary for the proper and efficient administration of the plan; and

(6) sets forth the criteria used by the State in determining priority of projects as provided in section 8(b)(4).

The Secretary shall not disapprove any plan without first giving reasonable notice and opportunity for hearing to the State water pollution control agency or interstate agency which has submitted such plan.

(g)(1) Whenever the Secretary, after reasonable notice and opportunity for hearing to a State water pollution control agency or interstate agency finds that—

(A) the plan submitted by such agency and approved under this section has been so changed that it no longer complies with a requirement of subsection (f) of this section; or

(B) in the administration of the plan there is a failure to comply substantially with such a requirement,

the Secretary shall notify such agency that no further payments will be made to the State or to the interstate agency, as the case may be, under this section (or in his discretion that further payments will not be made to the State, or to the interstate agency, for projects under or parts of the plan affected by such failure) until he is satisfied that there will no longer be any such failure. Until he is so satisfied, the Secretary shall make no further payments to such State, or to such interstate agency, as the case may be, under this section (or shall limit payments to projects under or parts of the plan in which there is no such failure).

(2) If any State or any interstate agency is dissatisfied with the Secretary's action with respect to it under this subsection, it may appeal to the United States court of appeals for the circuit in which such State (or any of the member States, in the case of an interstate agency) is located. The summons and notice of appeal may be served at any place in the United States. The findings of fact by the Secretary, unless contrary to the weight of the evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action. Such new or modified findings of fact shall likewise be conclusive unless contrary to the weight of the evidence. The court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in title 28, United States Code, section 1254.

(h)(1) The "Federal share" for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States, except that (A) the Federal share shall in no case be more than 66⅔ per centum or less than 33⅓ per centum, and (B) the Federal share for Puerto Rico and the Virgin Islands shall be 66⅔ per centum.

(2) The "Federal shares" shall be promulgated by the Secretary between July 1 and September 30 of each even-numbered year, on the basis of the average of the per capita incomes of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce.

(3) As used in this subsection, the term "United States" means the fifty States and the District of Columbia.

(4) Promulgations made before satisfactory data are available from the Department of Commerce for a full year on the per capita income of Alaska shall prescribe a Federal share for Alaska of 50 per centum and, for purposes of such promulgations, Alaska shall not be included as part of the "United States". Promulgations made thereafter but before per capita income data for Alaska for a full three-year period are available for the Department of Commerce shall be based on satisfactory data available therefrom for Alaska for such one full year or, when such data are available for a two-year period, for such two years.

(i) The population of the several States shall be determined on the basis of the latest figures furnished by the Department of Commerce.

(j) The method of computing and paying amounts pursuant to subsection (d) or (e) shall be as follows:

(1) The Secretary shall, prior to the beginning of each calendar quarter or other period prescribed by him, estimate the amount to be paid to each State (or to each interstate agency in the case of subsection (e)) under the provisions of such subsection for such period, such estimate to be based on such records of the State, (or the interstate agency) and information furnished by it, and such other investigation, as the Secretary may find necessary.

(2) The Secretary shall pay to the State (or to the interstate agency), from the allotment available therefor, the amount so estimated by him for any period, reduced or increased, as the case may be, by any sum (not previously adjusted under this paragraph) by which he finds that his estimate of the amount to be paid such State (or such interstate agency) for any prior period under such subsection was greater or less than the amount which should have been paid to such State (or such agency) for such prior period under such subsection. Such payments shall be made through the disbursing facilities of the Treasury Department, in such installments as the Secretary may determine.

GRANTS FOR CONSTRUCTION

SEC. 8. (a) The Secretary is authorized to make grants to any State, municipality, or intermunicipal or interstate agency for the construction of necessary treatment works to prevent the discharge of untreated or inadequately treated sewage or other waste into any waters and for the purpose of reports, plans, and specifications in connection therewith.

(b) Federal grants under this section shall be subject to the following limitations: (1) No grant shall be made for any project pursuant to this section unless such project shall have been approved by the appropriate State water pollution control agency or agencies and by the Secretary and unless such project is included in a comprehensive program developed pursuant to this Act; (2) no grant shall be made for any project in an amount exceeding 30 per centum of the estimated reasonable cost thereof as determined by the Secretary; (3) no grant shall be made unless the grantee agrees to pay the remaining cost; (4) no grant shall be made for any project under this section until the applicant has made provision satisfactory to the Secretary for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof; and (5) no grant shall be made for any project under this section unless such project is in conformity with the State water pollution control plan submitted pursuant to the provisions of section 7 and has been certified by the appropriate State water pollution control agency as entitled to priority over other eligible projects on the basis of financial as well as water pollution control needs; (6) the percentage limitation of 30 per centum imposed by clause (2) of this subsection shall be increased to a maximum of 40 per centum in the case of grants made under this section from funds allocated for a fiscal year to a State under subsection (c) of this section if the State agrees to pay not less than 30 per centum of the estimated reasonable cost (as determined by the Secretary) of all projects for which Federal grants are to be made under this section from such allocation; (7) the percentage limitations imposed by clause (2) of this subsection shall be increased to a maximum of 50 per centum in the case of grants made under this section from funds allocated for a fiscal year to a State under subsection (c) of this section if the State agrees to pay not less than 25 per centum of the estimated reasonable costs (as determined by the Secretary) of all projects for which Federal grants are to be made under this section from such allocation and if enforceable water quality standards have been established for the waters into which the project discharges, in accordance with section 10(c) of this Act in the case of interstate waters, and under State law in the case of intrastate waters.

(c) In determining the desirability of projects for treatment works and of approving Federal financial aid in connection therewith, consideration shall be given by the Secretary to the public benefits to be derived by the construction and the propriety of Federal aid in such construction, the relation of the ultimate cost of constructing and maintaining the works to the public interest and to the public necessity for the works, and the adequacy of the provisions made or proposed by the applicant for such Federal financial aid for assuring proper and efficient operation and maintenance of the treatment works after completion of the construction thereof. The sums appropriated pursuant to subsection (d) for each fiscal year ending on or before June 30, 1965, and the first $100,000,000 appropriated pursuant to subsection (d) for each fiscal year beginning on or after July 1, 1965, shall be allotted by the Secretary from time to time, in accordance with regulations, as follows: (1) 50 per centum of such sums in the ratio that the population of each State bears to the population of all the States, and (2) 50 per centum of such sums in the ratio that the quotient obtained by dividing the per capita income of the United States by the per capita income of each State bears to the sum of such quotients for all the States. All sums in excess of $100,000,000 appropriated pursuant to subsection (d) for each fiscal year beginning on or after July 1, 1965, shall be allotted by the Secretary from time to time, in accordance with regulations, in the ratio that the population of each State bears to the population of all States. Sums allotted to a State under the two preceding sentences which are not obligated within six months following the end of the fiscal year for which they were allotted because of a lack of projects which have been approved by the State water pollution control agency under subsection (b)(1) of this section and certified as entitled to priority under subsection (b)(4) of this section, shall be reallotted by the Secretary, on such basis as he determines to be reasonable and equitable and in accordance with regulations promulgated by him, to States having projects approved under this section for which grants have not been made because of lack of funds *including States having projects eligible for reimbursement pursuant to the sixth and seventh sentences of this subsection: Provided, however,* That whenever a State has funds subject to reallocation and the Secretary finds that the need for a project in a community in such State is due in part to any Federal institution or Federal construction activity, he may, prior to such reallocation, make an additional grant with respect to such project which will in his judgment reflect an equitable contribution for the need caused by such Federal institution or activity. Any sum made available to a State by reallotment under the preceding sentence shall be in addition to any funds otherwise allotted to such State under this Act. The allotments of a State under the second, third, and fourth sentences of this subsection shall be available, in accordance with the provi-

sions of this section, for payments with respect to projects in such State which have been approved under this section, except that in the case of any project on which construction was initiated in such State after June 30, 1966, which was approved by the appropriate State water pollution control agency and which the Secretary finds meets the requirements of this section but was constructed without such assistance, such allotments for any fiscal year ending prior to July 1, 1971, shall also be available for payments in reimbursement of State or local funds used for such project prior to July 1, 1971, to the extent that assistance could have been provided under this section if such project had been approved pursuant to this section and adequate funds had been available. In the case of any project on which construction was initiated in such State after June 30, 1966, and which was constructed with assistance pursuant to this section but the amount of such assistance was a lesser per centum of the cost of construction than was allowable pursuant to this section, such allotments shall also be available for payments in reimbursement of State or local funds used for such project prior to July 1, 1971, to the extent that assistance could have been provided under this section if adequate funds had been available. Neither a finding by the Secretary that a project meets the requirements of this subsection, nor any other provision of this subsection, shall be construed to constitute a commitment or obligation of the United States to provide funds to make or pay any grant for such project. For purposes of this section, population shall be determined on the basis of the latest decennial census for which figures are available, as certified by the Secretary of Commerce, and per capita income for each State and for the United States shall be determined on the basis of the average of the per capita incomes of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce.

(d) There are hereby authorized to be appropriated for each fiscal year through and including the fiscal year ending June 30, 1961, the sum of $50,000,000 per fiscal year for the purpose of making grants under this section. There are hereby authorized to be appropriated, for the purpose of making grants under this section, $80,000,000 for the fiscal year ending June 30, 1962, $90,000,000 for the fiscal year ending June 30, 1963, $100,000,000 for the fiscal year ending June 30, 1964, $100,000,000 for the fiscal year ending June 30, 1965, $150,000,000 for the fiscal year ending June 30, 1966, $150,000,000 for the fiscal year ending June 30, 1967; $450,000,000 for the fiscal year ending June 30, 1968; $700,000,000 for the fiscal year ending June 30, 1969; $1,000,000,000 for the fiscal year ending June 30, 1970; and $1,250,000,000 for the fiscal year ending June 30, 1971. Sums so appropriated shall remain available until expended. At least 50 per centum of the funds so appropriated for each fiscal year ending on or before June 30, 1965, and at least 50 per centum of the first $100,000,000 so appropriated for each fiscal year beginning on or after July 1, 1965, shall be used for grants for the construction of treatment works servicing municipalities of one hundred and twenty-five thousand population or under.

(e) The Secretary shall make payments under this section through the disbursing facilities of the Department of the Treasury. Funds so paid shall be used exclusively to meet the cost of construction of the project for which the amount was paid. As used in this section the term "construction" includes preliminary planning to determine the economic and engineering feasibility of treatment works, the engineering, architectural, legal, fiscal, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action necessary to the construction of treatment works; and the erection, building, acquisition, alteration, remodeling, improvement, or extension of treatment works; and the inspection and supervision of the construction of treatment works.

(f) Notwithstanding any other provisions of this section, the Secretary may increase the amount of a grant made under subsection (b) of this section by an additional 10 per centum of the amount of such grant for any project which has been certified to him by an official State, metropolitan, or regional planning agency empowered under State or local laws or interstate compact to perform metropolitan or regional planning for a metropolitan area within which the assistance is to be used, or other agency or instrumentality designated for such purposes by the Governor (or Governors in the case of interstate planning) as being in conformity with the comprehensive plan developed or in process of developemnt for such metropolitan area. For the purposes of this subsection, the term "metropolitan area" means either (1) a standard metropolitan statistical area as defined by the Bureau of the Budget, except as may be determined by the President as not being appropriate for the purposes hereof, or (2) any urban area, including those surrounding areas that form an economic and socially related region, taking into consideration such factors as present and future population trends and patterns or urban growth, location of transportation facilities and systems, and distribution of industrial, commercial, residential, governmental, institutional, and other activities, which in the opinion of the President lends itself as being appropriate for the purposes hereof.

(g) The Secretary shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on projects for which grants are made under this section shall be paid wages at rates not less than those prevailing for the same type of work on similar construction in the immediate locality, as determined by the Secretary of Labor, in accordance with the Act of March 3, 1931, as amended, known as the Davis-Bacon Act (46 Stat. 1494; 40 U.S.C., secs. 276a through 276a–5). The Secretary of Labor shall have, with respect to the labor standards specified in this subsection, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267; 5 U.S.C. 133z–15) and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276c).

WATER POLLUTION CONTROL ADVISORY BOARD

SEC. 9. (a)(1) There is hereby established in the Department of Health, Education, and Welfare, a Water Pollution Control Advisory Board, composed of the Secretary or his designee, who shall be chairman, and nine members appointed by the President, none of whom shall be Federal officers or employees. The appointed members, having due regard for the purposes of this Act, shall be selected from among representatives of various State, interstate and local governmental agencies, of public or private interests contributing to, affected by, or concerned with water pollution, and of other public and private agencies, organizations, or groups demonstrating an active interest in the field of water pollution prevention and control, as well as other individuals who are expert in this field.

(2)(A) Each member appointed by the President shall hold office for a term of three years, except that (i) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (ii) the terms of office of the members first taking office after June 30, 1956, shall expire as follows: three at the end of one year after such date, three at the end of two years after such date, and three at the end of three years after such date, as designated by the President at the time of appointment, and (iii) the term of any member under the preceding provisions shall be extended until the date on which his successor's appointment is effective. None of the members appointed by the President shall be eligible for reappointment within one year after the end of his preceding term but terms commencing prior to the enactment of the Water Pollution Control Act Amendments of 1956 shall not be deemed "preceding terms" for purposes of this sentence.

(B) The members of the Board who are not officers or employees of the United States, while attending conferences or meetings of the Board or while otherwise serving at the request of the Secretary, shall be entitled to receive compensation at a rate to be fixed by the Secretary, but not exceeding $50 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

(b) The Board shall advise, consult with, and make recommendations to the Secretary on matters of policy relating to the activities and functions of the Secretary under this Act.

(c) Such clerical and technical assistance as may be necessary to discharge the duties of the Board shall be provided from the personnel of the Department of Health, Education, and Welfare.

ENFORCEMENT MEASURES AGAINST POLLUTION OF INTERSTATE OR NAVIGABLE WATERS

SEC. 10. (a) The pollution of interstate or navigable waters in or adjacent to any State or States (whether the matter causing or contributing to such pollution is discharged directly into such waters or reaches such waters after discharge into a tributary of such waters), which endangers the health or welfare of any persons, shall be subject to abatement as provided in this Act.

(b) Consistent with the policy declaration of this Act, State and interstate action to abate pollution of interstate or navigable waters shall be encouraged and shall not, except as otherwise provided by or pursuant to court order under subsection (h), be displaced by Federal enforcement action.

(c)(1) If the Governor of a State or a State water pollution control agency files, within one year after the date of enactment of this subsection, a letter of intent that such State, after public hearings, will before June 30, 1967, adopt (A) water quality criteria applicable to interstate waters or portions thereof within such State, and (B) a plan for the implementation and enforcement of the water quality criteria adopted, and if such criteria and plan are established in accordance with the letter of intent, and if the Secretary determines that such State criteria and plan are consistent with paragraph (3) of this subsection, such State criteria and plan shall thereafter be the water quality standards applicable to such interstate waters or portions thereof.

(2) If a State does not (A) file a letter of intent or (B) establish water quality standards in accordance with paragraph (1) of this subsection, or if the Secretary or the Governor of any State affected by water quality standards established pursuant to this subsection desires a revision in such standards, the Secretary may, after reasonable notice and a conference of representatives of appropriate Federal departments and agencies, interstate agencies, States, municipalities and industries involved, prepare regulations setting forth standards of water quality to be applicable to interstate waters or portions thereof. If, within six months from the date the Secretary pub-

lishes such regulations, the State has not adopted water quality standards found by the Secretary to be consistent with paragraph (3) of this subsection, or a petition for public hearing has not been filed under paragraph (4) of this subsection, the Secretary shall promulgate such standards.

(3) Standards of quality established pursuant to this subsection shall be such as to protect the public health or welfare, enhance the quality of water and serve the purposes of this Act. In establishing such standards the Secretary, the Hearing Board, or the appropriate State authority shall take into consideration their use and value for public water supplies, propagation of fish and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses. *In establishing such standards the Secretary, the hearing board, or the appropriate State authority shall take into consideration their use and value for navigation.*

(4) If at any time prior to 30 days after standards have been promulgated under paragraph (2) of this subsection, the Governor of any State affected by such standards petitions the Secretary for a hearing, the Secretary shall call a public hearing, to be held in or near one or more of the places where the water quality standards will take effect before a Hearing Board of five or more persons appointed by the Secretary. Each State which would be affected by such standards shall be given an opportunity to select one member of the Hearing Board. The Department of Commerce and other affected Federal departments and agencies shall each be given an opportunity to select a member of the Hearing Board and not less than a majority of the Hearing Board shall be persons other than officers or employees of the Department of Health, Education, and Welfare. The members of the Board who are not officers or employees of the United States, while participating in the hearing conducted by such Hearing Board or otherwise engaged on the work of such Hearing Board, shall be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding $100 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b–2), for persons in the Government service employed intermittently. Notice of such hearing shall be published in the Federal Register and given to the State water pollution control agencies, interstate agencies and municipalities involved at least 30 days prior to the date of such hearing. On the basis of the evidence presented at such hearing, the Hearing Board shall make findings as to whether the standards published or promulgated by the Secretary should be approved or modified and transmit its findings to the Secretary. If the Hearing Board approves the standards as published or promulgated by the Secretary, the standards shall take effect on receipt by the Secretary of the Hearing Board's recommendations. If the Hearing Board recommends modifications in the standards as published or promulgated, by the Secretary, the Secretary shall promulgate revised regulations setting forth standards of water quality in accordance with the Hearing Board's recommendations which will become effective immediately upon promulgation.

(5) The discharge of matter into such interstate waters or portions thereof, which reduces the quality of such waters below the water quality standards established under this subsection (whether the matter causing or contributing to such reduction is discharged directly into such waters or reaches such waters after discharge into tributaries of such waters), is subject to abatement in accordance with the provisions of paragraph (1) or (2) of subsection (g) of this section, except that at least 180 days before any abatement action is initiated under either paragraph (1) or (2) of subsection (g) as authorized by this subsection, the Secretary shall notify the violators and other interested parties of the violation of such standards. In any suit brought under the provisions of this subsection the court shall receive in evidence a transcript of the proceedings of the conference and hearing provided for in this subsection, together with the recommendations of the conference and Hearing Board and the recommendations and standards promulgated by the Secretary, and such additional evidence, including that relating to the alleged violation of the standards, as it deems necessary to a complete review of the standards and to a determination of all other issues relating to the alleged violation. The court, giving due consideration to the practicability and to the physical and economic feasibility of complying with such standards, shall have jurisdiction to enter such judgment and orders enforcing such judgment as the public interest and the equities of the case may require.

(6) Nothing in this subsection shall (A) prevent the application of this section to any case to which subsection (a) of this section would otherwise be applicable, or (B) extend Federal jurisdiction over water not otherwise authorized by this Act.

(7) In connection with any hearings under this section no witness or any other person shall be required to divulge trade secrets or secret processes.

(d) (1) Whenever requested by the Governor of any State or a State water pollution control agency, or (with the concurrence of the Governor and of the State water pollution control agency for the State in which the municipality is situated) the governing body of any municipality, the Secretary shall, if such request refers to pollution of waters which is endangering the health or welfare of persons in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originates, give formal notification thereof to the water pollution control agency and interstate agency, if any, of the State or States where such discharge or discharges originate and shall call promptly a conference of such agency or agencies and of the State water pollution control agency and interstate agency, if any, of the State or States, if any, which may be adversely affected by such pollution. Whenever requested by the Governor of any State, the Secretary shall, if such request refers to pollution of interstate or navigable waters which is endangering the health or welfare of persons only in the requesting State in which the discharge or discharges (causing or contributing to such pollution) originate, give formal notification thereof to the water pollution control agency and interstate agency, if any, of such State and shall promptly call a conference of such agency or agencies, unless, in the judgment of the Secretary, the effect of such pollution on the legitimate uses of the waters is not of sufficient significance to warrant exercise of Federal jurisdiction under this section. The Secretary shall also call such a conference whenever, on the basis of reports, surveys, or studies, he has reason to believe that any pollution referred to in subsection (a) and endangering the health or welfare of persons in a State other than that in which the discharge or discharges originate is occurring; or he finds that substantial economic injury results from the inability to market shellfish or shellfish products in interstate commerce because of pollution referred to in subsection (a) and action of Federal, State, or local authorities.

(2) Whenever the Secretary, upon receipt of reports, surveys, or studies from any duly constituted international agency, has reason to believe that any pollution referred to in subsection (a) of this section which endangers the health or welfare of persons in a foreign country is occurring, and the Secretary of State requests him to abate such pollution, he shall give formal notification thereof to the State water pollution control agency of the State in which such discharge or discharges originate and to the interstate water pollution control agency, if any, and shall call promptly a conference of such agency or agencies, if he believes that such pollution is occurring in sufficient quantity to warrant such action. The Secretary, through the Secretary of State, shall invite the foreign country which may be adversely affected by the pollution to attend and participate in the conference, and the representative of such country shall, for the purpose of the conference and any further proceeding resulting from such conference, have all the rights of a State water pollution control agency. This paragraph shall apply only to a foreign country which the Secretary determines has given the United States essentially the same rights with respect to the prevention and control of water pollution occurring in that country as is given that country by this paragraph. Nothing in this paragraph shall be construed to modify, amend, repeal, or otherwise affect the provisions of the 1909 Boundary Waters Treaty between Canada and the United States or the Water Utilization Treaty of 1944 between Mexico and the United States (59 Stat. 1219), relative to the control and abatement of water pollution in waters covered by those treaties.

(3) The agencies called to attend such conference may bring such persons as they desire to the conference. In addition, it shall be the responsibility of the chairman of the conference to give every person contributing to the alleged pollution or affected by it an opportunity to make a full statement of his views to the conference. Not less than three week's prior notice of the conference date shall be given to such agencies.

(4) Following this conference, the Secretary shall prepare and forward to all the water pollution control agencies attending the conference a summary of conference discussions including (A) occurrence of pollution of interstate or navigable waters subject to abatement under this Act; (B) adequacy of measures taken toward abatement of the pollution; and (C) nature of delays, if any, being encountered in abating the pollution.

(e) If the Secretary believes, upon the conclusion of the conference or thereafter, that effective progress toward abatement of such pollution is not being made and that the health or welfare of any persons is being endangered, he shall recommend to the appropriate State water pollution control agency that it take necessary remedial action. The Secretary shall allow at least six months from the date he makes such recommendations for the taking of such recommended action.

(f) (1) If, at the conclusion of the period so allowed, such remedial action has not been taken or action which in the judgment of the Secretary is reasonably calculated to secure abatement of such pollution has not been taken, the Secretary shall call a public hearing, to be held in or near one or more of the places where the discharge or discharges causing or contributing to such pollution originated, before a Hearing Board of five or more persons appointed by the Secretary. Each State in which any discharge causing or contributing to such pollution originates and each State claiming to be adversely affected by such pollution shall be given an opportunity to select one member of the Hearing Board and at least one member shall be a representative of the Department of Commerce, and not less than a majority of the Hearing Board shall be persons other than officers or employees of the Department of Health, Education, and Welfare. At least three weeks' prior notice of such hearing shall be given to the State water pollution control agencies and interstate agencies, if any, called to attend the aforesaid hearing

and the alleged polluter or polluters. It shall be the responsibility of the Hearing Board to give every person contributing to the alleged pollution or affected by it an opportunity to make a full statement of his views to the Hearing Board. On the basis of the evidence presented at such hearing, the Hearing Board shall make findings as to whether pollution referred to in subsection (a) is occurring and whether effective progress toward abatement thereof is being made. If the Hearing Board finds such pollution is occurring and effective progress toward abatement thereof is not being made it shall make recommendations to the Secretary concerning the measures, if any, which it finds to be reasonable and equitable to secure abatement of such pollution. The Secretary shall send such findings and recommendations to the person or persons discharging any matter causing or contributing to such pollution, together with a notice specifying a reasonable time (not less than six months) to secure abatement of such pollution, and shall also send such findings and recommendations and such notice to the State water pollution control agency and to the interstate agency, if any, of the State or States where such discharge or discharges originate.

(2) In connection with any hearing called under this section the Secretary is authorized to require any person whose alleged activities result in discharges causing or contributing to water pollution to file with him, in such form as he may prescribe, a report based on existing data, furnishing such information as may reasonably be required as to the character, kind, and quantity of such discharges and the use of facilities or other means to prevent or reduce such discharges by the person filing such a report. Such report shall be made under oath or otherwise, as the Secretary may prescribe, and shall be filed with the Secretary within such reasonable period as the Secretary may prescribe, unless additional time be granted by the Secretary. No person shall be required in such report to divulge trade secrets or secret processes, and all information reported shall be considered confidential for the purposes of section 1905 of title 18 of the United States Code.

(3) If any person required to file any report under paragraph (2) of this subsection shall fail to do so within the time fixed by the Secretary for filing the same, and such failure shall continue for thirty days after notice of such default, such person shall forfeit to the United States the sum of $100 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States brought in the district where such person has his principal office or in any district in which he does business. The Secretary may upon application therefor remit or mitigate any forfeiture provided for under this paragraph and he shall have authority to determine the facts upon all such applications.

(4) It shall be the duty of the various United States attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of such forfeitures.

(g) If action reasonably calculated to secure abatement of the pollution within the time specified in the notice following the public hearing is not taken, the Secretary—

(1) in the case of pollution of waters which is endangering the health or welfare of persons in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originate, may request the Attorney General to bring a suit on behalf of the United States to secure abatement of pollution, and

(2) in the case of pollution of waters which is endangering the health or welfare of persons only in the State in which the discharge or discharges (causing or contributing to such pollution) originate, may, with the written consent of the Governor of such State, request the Attorney General to bring a suit on behalf of the United States to secure abatement of the pollution.

(h) The court shall receive in evidence in any such suit a transcript of the proceedings before the Board and a copy of the Board's recommendations and shall receive such further evidence as the court in its discretion deems proper. The court, giving due consideration to the practicability and to the physical and economic feasibility of securing abatement of any pollution proved, shall have jurisdiction to enter such judgment, and orders enforcing such judgment, as the public interest and the equities of the case may require.

(i) Members of any Hearing Board appointed pursuant to subsection (f) who are not regular full-time officers or employees of the United States shall, while participating in the hearing conducted by such Board or otherwise engaged on the work of such Board, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding $100 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

(j) As used in this section the term—

(1) "person" includes an individual, corporation, partnership, association, State, municipality, and political subdivision of a State, and

(2) "municipality" means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law.

(k)(1) At the request of a majority of the conferees in any conference called under this section the Secretary is authorized to request any person whose alleged activities result in discharges causing or contributing to water pollution, to file with him a report (in such form as may be prescribed in regulations promulgated by him) based on existing data, furnishing such information as may reasonably be requested as to the character, kind, and quantity of such discharges and the use of facilities or other means to prevent or reduce such discharges by the person filing such a report. No person shall be required in such report to divulge trade secrets or secret processes, and all information reported shall be considered confidential for the purposes of section 1905 of title 18 of the United States Code.

(2) If any person required to file any report under this subsection shall fail to do so within the time fixed by regulations for filing the same, and such failure shall continue for thirty days after notice of such default, such person may, by order of a majority of the conferees, be subject to a forfeiture of $100 for each and every day of the continuance of such failure which forfeiture shall be payable into the Treasury of the United States and shall be recoverable in a civil suit in the name of the United States brought in the district where such person has his principal office or in any district in which he does business. The Secretary may upon application therefor remit or mitigate any forfeiture provided for under this subsection and he shall have authority to determine the facts upon all such applications.

(3) It shall be the duty of the various United States attorneys, under the direction of the Attorney General of the United States to prosecute for the recovery of such forfeitures.

Control of pollution by oil

Sec. 11. (a) For the purpose of this section, the term—

(1) "oil" means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil;

(2) "discharge" includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying or dumping;

(3) "vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water other than a public vessel;

(4) "public vessel" means a vessel owned or bare-boat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce;

(5) "United States" means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

(6) "owner or operator" means (A) in the case of a vessel, any person owning, operating, or chartering by demise, such vessel, and (B) in the case of an onshore facility, and an offshore facility, any person owning or operating such onshore facility or offshore facility, and (C) in the case of any abandoned offshore facility, the person who owned or operated such facility immediately prior to such abandonment;

(7) "person" includes an individual, firm, corporation, association, and a partnership;

(8) "remove" or "removal" refers to removal of the oil from the water and shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches;

(9) "contiguous zone" means the entire zone established or to be established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone;

(10) "onshore facility" means any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under, any land within the United States other than submerged land;

(11) "offshore facility" means any facility of any kind located in, on, or under, any of the navigable waters of the United States other than a vessel or a public vessel;

(12) "act of God" means an act occasioned by an unanticipated grave natural disaster;

(13) "barrel" means 42 United States gallons at 60 degrees Fahrenheit.

(b)(1) The Congress hereby declares that it is the policy of the United States that there should be no discharges of oil into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone.

(2) The discharge of oil into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone in harmful quantities as determined by the President under paragraph (3) of this subsection, is prohibited, except (A) in the case of such discharge into the waters of the contiguous zone, where permitted under article IV of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended, and (B) where permitted in quantities and at times and locations or under such circumstances or conditions as the President may, by regulation, determine not to be harmful. Any regulations issued under this subsection shall be consistent with maritime

safety and with marine and navigation laws and regulations and applicable water quality standards.

(3) The President shall by regulation, to be issued as soon as possible after the date of enactment of this paragraph, determine for the purposes of this section, those quantities of oil the discharge of which, at such times, locations, circumstances, and conditions, will be harmful to the public health or welfare of the United States, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches except that in the case of the discharge of oil into or upon the waters of the contiguous zone, only those discharges which threaten the fishery resources of the contiguous zone or threaten to pollute or contribute to the pollution of the territory or the territorial sea of the United States may be determined to be harmful.

(4) Any person in charge of a vessel or of an onshore facility or an offshore facility shall, as soon as he has knowledge of any discharge of oil from such vessel or facility in violation of paragraph (2) of this subsection, immediately notify the appropriate agency of the United States Government of such discharge. Any such person who fails to notify immediately such agency of such discharge shall, upon conviction, be fined not more than $10,000, or imprisoned for not more than one year, or both. Notification received pursuant to this paragraph or information obtained by the exploitation of such notification shall not be used against any such person in any criminal case, except a prosecution for perjury or for giving a false statement.

(5) Any owner or operator of any vessel, onshore facility, or offshore facility from which oil is knowingly discharged in violation of paragraph (2) of this subsection shall be assessed a civil penalty by the Secretary of the department in which the Coast Guard is operating of not more than $10,000 for each offense. No penalty shall be assessed unless the owner or operator charged shall have been given notice and opportunity for a hearing on such charge. Each violation is a separate offense. Any such civil penalty may be compromised by such Secretary. In determining the amount of the penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the owner or operator charged, the effect on the owner or operator's ability to continue in business, and the gravity of the violation, shall be considered by such Secretary. The Secretary of the Treasury shall withhold at the request of such Secretary the clearance required by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C. 91), of any vessel the owner or operator of which is subject to the foregoing penalty. Clearance may be granted in such cases upon the filing of a bond or other surety satisfactory to such Secretary.

(c)(1) Whenever any oil is discharged, into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone, the President is authorized to act to remove or arrange for the removal of such oil at any time, unless he determines such removal will be done properly by the owner or operator of the vessel, onshore facility, or offshore facility from which the discharge occurs.

(2) Within sixty days after the effective date of this section, the President shall prepare and publish a National Contingency Plan for removal of oil pursuant to this subsection. Such National Contingency Plan shall provide for efficient, coordinated, and effective action to minimize damage from oil discharges, including containment, dispersal, and removal of oil, and shall include, but not be limited to—

(A) assignment of duties and responsibilities among Federal departments and agencies in coordination with State and local agencies, including, but not limited to, water pollution control, conservation, and port authorities;

(B) identification, procurement, maintenance, and storage of equipment and supplies;

(C) establishment or designation of a strike force consisting of personnel who shall be trained, prepared, and available to provide necessary services to carry out the Plan, including the establishment at major ports, to be determined by the President, of emergency task forces of trained personnel, adequate oil pollution control equipment and material, and a detailed oil pollution prevention and removal plan;

(D) a system of surveillance and notice designed to insure earliest possible notice of discharges of oil to the appropriate Federal agency;

(E) establishment of a national center to provide coordination and direction for operations in carrying out the Plan;

(F) procedures and techniques to be employed in identifying, containing, dispersing, and removing oil; and

(G) a schedule, prepared in cooperation with the States, identifying (i) dispersants and other chemicals, if any, that may be used in carrying out the Plan, (ii) the waters in which such dispersants and chemicals may be used, and (iii) the quantities of such dispersant or chemical which can be used safely in such waters, which schedule shall provide in the case of any dispersant, chemical, or waters not specifically identified in such schedule that the President, or his delegate, may, on a case-by-case basis, identify the dispersants and other chemicals which may be used, the waters in which they may be used, and the quantities which can be used safely in such waters.

The President may, from time to time, as he deems advisable, revise or otherwise amend the National Contingency Plan. After publication of the National Contingency Plan, the removal of oil and actions to minimize damage from oil discharges shall, to the greatest extent possible, be in accordance with the National Contingency Plan.

(d) Whenever a marine disaster in or upon the navigable waters of the United States has created a substantial threat of a pollution hazard to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife and the public and private shorelines and beaches of the United States, because of a discharge, or an imminent discharge, of large quantities of oil from a vessel the United States may (A) coordinate and direct all public and private efforts directed at the removal or elimination of such threat; and (B) summarily remove, and, if necessary, destroy such vessel by whatever means are available without regard to any provision of law governing the employment of personnel or the expenditure of appropriated funds. Any expense incurred under this subsection shall be a cost incurred by the United States Government for the purposes of subsection (f) in the removal of oil.

(e) In addition to any other action taken by a State or local government, when the President determines there is an imminent and substantial threat to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife and public and private property, shorelines, and beaches within the United States, because of an actual or threatened discharge of oil into or upon the navigable waters of the United States from an onshore or offshore facility, the President may require the United States attorney of the district in which the threat occurs to secure such relief as may be necessary to abate such threat, and the district courts of the United States shall have jurisdiction to grant such relief as the public interest and the equities of the case may require.

(f)(1) Except where an owner or operator can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any vessel from which oil is discharged in violation of subsection (b)(2) of this section shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil by the United States Government in an amount not to exceed $100 per gross ton of such vessel or $14,000,000, whichever is lesser, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. Such costs shall constitute a maritime lien on such vessel which may be recovered in an action in rem in the district court of the United States for any district within which any vessel may be found. The United States may also bring an action against the owner or operator of such vessel in any court of competent jurisdiction to recover such costs.

(2) Except where an owner or operator of an onshore facility can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any such facility from which oil is discharged in violation of subsection (b)(2) of this section shall be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil by the United States Government in an amount not to exceed $8,000,000, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. The United States may bring an action against the owner or operator of such facility in any court of competent jurisdiction to recover such costs. The Secretary is authorized, by regulation, after consultation with the Secretary of Commerce and the Small Business Administration, to establish reasonable and equitable classifications of those onshore facilities having a total fixed storage capacity of 1,000 barrels or less which he determines because of size, type, and location do not present a substantial risk of the discharge of oil in violation of subsection (b)(2) of this section, and apply with respect to such classifications differing limits of liability which may be less than the amount contained in this paragraph.

(3) Except where an owner or operator of an offshore facility can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any such facility from which oil is discharged in violation of subsection (b)(2) of this section shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil by the United States Government in an

amount not to exceed $8,000,000, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. The United States may bring an action against the owner or operator of such a facility in any court of competent jurisdiction to recover such costs.

(g) In any case where an owner or operator of a vessel, of an onshore facility, or of an offshore facility, from which oil is discharged in violation of subsection (b)(2) of this section proves that such discharge of oil was caused solely by an act or omission of a third party, or was caused solely by such an act or omission in combination with an act of God, an act of war, or negligence on the part of the United States Government, such third party shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for removal of such oil by the United States Government, except where such third party can prove that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of another party without regard to whether such act or omission was or was not negligent, or any combination of the foregoing clauses. If such third party was the owner or operator of a vessel which caused the discharge of oil in violation of subsection (b)(2) of this section, the liability of such third party under this subsection shall not exceed $100 per gross ton of such vessel or $14,000,000, whichever is the lesser. In any other case the liability of such third party shall not exeed the limitation which would have been applicable to the owner or operator of the vessel or the onshore or offshore facility from which the discharge actually occurred, if such owner or operator were liable. If the United States can show that the discharge of oil in violation of subsection (b)(2) of this section was the result of willful negligence or willful misconduct within the privity and knowledge of such third party, such third partly shall be liable to the United States Government for the full amount of such removal costs. The United States may bring an action against the third party in any court of competent jurisdiction to recover such removal costs.

(h) The liabilities established by this section shall in no way affect any rights which (1) the owner or operator of a vessel or of an onshore facility or an offshore facility may have against any third party whose acts may in any way have caused or contributed to such discharge, or (2) the United States Government may have against any third party whose actions may in any way have caused or contributed to the discharge of oil.

(i)(1) In any case where an owner or operator of a vessel or an onshore facility or an offshore facility from which oil is discharged in violation of subsection (b)(2) of this section acts to remove such oil in accordance with regulations promulgated pursuant to this section, such owner or operator shall be entitled to recover the reasonable costs incurred in such removal upon establishing, in a suit which may be brought against the United States Government in the United States Court of Claims, that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether such act or omission was or was not negligent, or of any combination of the foregoing causes.

(2) The provisions of this subsection shall not apply in any case where liability is established pursuant to the Outer Continental Shelf Lands Act.

(3) Any amount paid in accordance with a judgment of the United States Court of Claims pursuant to this section shall be paid from the fund established pursuant to subsection (k).

(j)(1) Consistent with the National Contingency Plan required by subsection (c)(2) of this section, as soon as practicable after the effective date of this section, and from time to time thereafter, the President shall issue regulations consistent with maritime safety and with marine and navigation laws (A) establishing methods and procedures for removal of discharged oil, (B) establishing criteria for the development and implementation of local and regional oil removal contingency plans, (C) establishing procedures, methods, and requirements for equipment to prevent discharges of oil from vessels and from onshore facilities and offshore facilities, and (D) governing the inspection of vessels carrying cargoes of oil and the inspection of such cargoes in order to reduce the likelihood of discharges of oil from such vessels in violation of this section.

(2) Any owner or operator of a vessel or an onshore facility or an offshore facility and any other person subject to any regulation issued under paragraph (1) of this subsection who fails or refuses to comply with the provisions of any such regulation, shall be liable to a civil penalty of not more than $5,000 for each such violation. Each violation shall be a separate offense. The President may assess and compromise such penalty. No penalty shall be assessed until the owner, operator, or other person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the owner, operator, or other person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by the President.

(k) There is hereby authorized to be appropriated to a revolving fund to be established in the Treasury not to exceed $35,000,000 to carry out the provisions of subsections (c), (i), and (l) of this section and section 12 of this Act. Any other funds received by the United States under this section shall also be deposited in said fund for such purposes. All sums appropriated to, or deposited in, said fund shall remain available until expended.

(l) The President is authorized to delegate the administration of this section to the heads of those Federal departments, agencies, and instrumentalities which he determines to be appropriate. Any moneys in the fund estabilised by subsection (k) of this section shall be available to such Federal departments, agencies, and instrumentalities to carry out the provisions of subsections (c) and (i) of this section and section 12 of this Act. Each such department, agency, and instrumentality, in order to avoid duplication of effort, shall, whenever appropriate, utilize the personnel, services, and facilities of other Federal departments, agencies, and instrumentalities.

(m) Anyone authorized by the President to enforce the provisions of this section may, except as to public vessels, (A) board and inspect any vessel upon the navigable waters of the United States or the waters of the contiguous zone, (B) with or without a warrant arrest any person who violates the provisions of this section or any regulation issued thereunder in his presence or view, and (C) execute any warrant or other process issued by an officer or court of competent jurisdiction.

(n) The several district courts of the United States are invested with jurisdiction for any actions, other than actions pursuant to subsection (i)(1), arising under this section. In the case of Guam, such actions may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone, such actions may be brought in the United States District Court for the District of the Canal Zone.

(o)(1) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel, or of any owner or operator of any onshore facility or offshore facility to any person or agency under any provision of law for damages to any publicly-owned or privately-owned property resulting from a discharge of any oil or from the removal of any such oil.

(2) Nothing in this section shall be construed as preempting any State or political subdivision thereof from imposing any requirement or liability with respect to the discharge of oil into any waters within such State.

(3) Nothing in this section shall be construed as affecting or modifying any other existing authority of any Federal department, agency, or instrumentality, relative to onshore or offshore facilities under this Act or any other provision of law, or to affect any State or local law not in conflict with this section.

(p)(1) Any vessel over three hundred gross tons, including any barge of equivalent size, using any port or place in the United States or the navigable waters of the United States for any purpose shall establish and maintain under regulations to be prescribed from time to time by the President, evidence of financial responsibility of $100 per gross ton, or $14,000,000 whichever is the lesser, to meet the liability to the United States which such vessel could be subjected under this section. In cases where an owner or operator owns, operates, or charters, more than one such vessel, financial responsibility need only be established to meet the maximum liability to which the largest of such vessels could be subjected. Financial responsibility may be established by any one of, or a combination of, the following methods acceptable to the President: (A) evidence of insurance, (B) surety bonds, (C) qualification as a self-insurer, or (D) other evidence of financial responsibility. Any bond filed shall be issued by a bonding company authorized to do business in the United States.

(2) The provisions of paragraph (1) of this subsection shall be effective one year after the effective date of this section. The President shall delegate the responsibility to carry out the provisions of this subsection to the appropriate agency head within sixty days after the date of enactment of this section. Regulations necessary to implement this subsection shall be issued within six months after the date of enactment of this section.

(3) Any claim for costs incurred by such vessel may be brought directly against the insurer or any other person providing evidence of financial responsibility as required under this subsection. In the case of any action pursuant to this subsection such insurer or other person shall be entitled to invoke all rights and defenses which would have been available to the owner or operator if an action had been brought against him by the claimant, and which would have been available to him if an action had been brought against him by the owner or operator.

(4) The Secretary of Transportation, in consultation with the Secretaries of Interior, State, Commerce, and other interested Fed-

eral agencies, representatives of the merchant marine, oil companies, insurance companies, and other interested individuals and organizations, and taking into account the results of the application of paragraph (1) of this subsection, shall conduct a study of the need for and, to the extent determined necessary—

(A) other measures to provide financial responsibility and limitation of liability with respect to vessels using the navigable waters of the United States;

(B) measures to provide financial responsibility for all onshore and offshore facilities; and

(C) other measures for limitation of liability of such facilities;

for the cost of removing discharged oil and paying all damages resulting from the discharge of such oil. The Secretary of Transportation shall submit a report, together with any legislative recommendations, to Congress and the President by January 1, 1971.

Control of hazardous polluting substances

Sec. 12. (a) The President shall, in accordance with subsection (b) of this section, develop, promulgate, and revise as may be appropriate, regulations (1) designating as hazardous substances, other than oil as defined in section 11 of this Act, such elements and compounds which, when discharged in any quantity into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone, present an imminent and substantial danger to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, shorelines, and beaches; and (2) establishing, if appropriate, recommended methods and means for the removal of such substances.

(b) Sections 551 through 559, inclusive (other than section 553(c)), and 701 through 706, inclusive, of title 5, United States Code, shall apply to regulations issued under authority of this section.

(c) In order to facilitate the removal, if appropriate, of any hazardous substance any person in charge of a vessel or of an onshore or offshore facility of any kind shall, as soon as he has knowledge of any discharge of such substance from such vessel or facility, immediately notify the appropriate agency of the United States of such discharge.

(d) Whenever any hazardous substance is discharged into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone, unless removal is immediately undertaken by the owner or operator of the vessel or onshore or offshore facility from which the discharge occurs or which caused the discharge, pursuant to the regulations promulgated under this section, the President, if appropriate, shall remove or arrange for the removal thereof in accordance with such regulations. Nothing in this subsection shall be construed to restrict the authority of the President to act to remove or arrange for the removal of such hazardous substance at any time.

(e) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel, onshore or offshore facility to any person or agency under any provision of law for damages to any publicly- or privately-owned property resulting from a discharge of any hazardous substance or from the removal of any such substance.

(f)(1) For the purposes of this section the definitions in subsection (a) of section 11 of this Act shall be applicable to the provisions of this section, except as provided in paragraph (2) of this subsection:

(2) For the purpose of this section, the term—

(A) "remove" or "removal" refers to removal of the hazardous substances from the water and shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches;

(B) "owner or operator" means any person owning, operating, chartering by demise, or otherwise controlling the operations of, a vessel, or any person owning, operating, or otherwise controlling the operations of an onshore or offshore facility; and

(C) "offshore or onshore facility" means any facility of any kind and related appurtenances thereto which is located in, on, or under the surface of any land, or permanently or temporarily affixed to any land, including lands beneath the navigable waters of the United States and which is used or capable of use for the purpose of processing, transporting, producing, storing, or transferring for commercial purposes any hazardous substance designated under this section.

(g) The President shall submit a report to the Congress, together with his recommendations, not later than November 1, 1970, on the need for, and desirability of, enacting legislation to impose liability for the cost of removal of hazardous substances discharged from vessels and onshore and offshore facilities subject to this section including financial responsibility requirements. In preparing this report, the President shall conduct an accelerated study which shall include, but not be limited to, the method and measures for controlling hazardous substances to prevent this discharge, and the most appropriate measures for (1) enforcement (including the imposition of civil and criminal penalties for discharges and for failure to notify) and (2) recovery of costs incurred by the United States if removal is undertaken by the United States. In carrying out this study, the President shall consult with the interested representatives of the various public and private groups that would be affected by such legislation as well as other interested persons.

(h) Any moneys in the funds established by section 11 of this Act shall be available to the President to carry out the purposes of this section. In carrying out this section the President shall utilize the personnel, services, and facilities of Federal departments, agencies, and instrumentalities in such manner as will avoid duplication of effort.

Control of Sewage from Vessels

Sec. 13. (a) For the purpose of this section, the term—

(1) "new vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which is initiated after promulgation of standards and regulations under this section;

(2) "existing vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which is initiated before promulgation of standards and regulations under this section;

(3) "public vessel" means a vessel owned or bareboat chartered and operated by the United States, by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce;

(4) "United States" includes the States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands; Guam, American Samoa, the Canal Zone, and the Trust Territory of the Pacific Islands;

(5) "marine sanitation device" includes any equipment for installation on board a vessel which is designed to receive, retain, treat, or discharge sewage, and any process to treat such sewage;

(6) "sewage" means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

(7) "manufacturer" means any person engaged in the manufacturing, assembling, or importation of marine sanitation devices or of vessels subject to standards and regulations promulgated under this section;

(8) "person" means an individual, partnership, firm, corporation, or association, but does not include an individual on board a public vessel;

(9) "discharge" includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(b)(1) As soon as possible, after the enactment of this section and subject to the provisions of section 5(j) of this Act, the Secretary, after consultation with the Secretary of the department in which the Coast Guard is operating, after giving appropriate consideration to the economic costs involved, and within the limits of available technology, shall promulgate Federal standards of performance for marine sanitation devices (hereafter in this section referred to as "standards") which shall be designed to prevent the discharge of untreated or inadequately treated sewage into or upon the navigable waters of the United States from new vessels and existing vessels, except vessels not equipped with installed toilet facilities. Such standards shall be consistent with maritime safety and the marine and navigation laws and regulations and shall be coordinated with the regulations issued under this subsection by the Secretary of the department in which the Coast Guard is operating. The Secretary of the department in which the Coast Guard is operating shall promulgate regulations, which are consistent with standards promulgated under this subsection and with maritime safety and the marine and navigation laws and regulations, governing the design, construction, installation, and operation of any marine sanitation device on board such vessels..

(2) Any existing vessel equipped with a marine sanitation device on the date of promulgation of initial standards and regulations under this section, which device is in compliance with such initial standards and regulations, shall be deemed in compliance with this section until such time as the device is replaced or is found not to be in compliance with such initial standards and regulations.

(c)(1) Initial standards and regulations under this section shall become effective for new vessels two years after promulgation; and for existing vessels five years after promulgation. Revisions of standards and regulations shall be effective upon promulgation, unless another effective date is specified, except that no revision shall take effect before the effective date of the standard or regulation being revised.

(2) The Secretary of the department in which the Coast Guard is operating with regard to his regulatory authority established by this section, after consultation with the Secretary, may distinguish among classes, types, and sizes of vessels as well as between new and existing vessels, and may waive applicability of standards and regulations as necessary or appropriate for such classes, types, and sizes of vessels (including existing vessels equipped with marine sanitation devices on the date of promulgation of the initial standards required by this section), and, upon application, for individual vessels.

(d) The provisions of this section and the standards and regulations promulgated hereunder apply to vessels owned and operated by the United States unless the Secretary of Defense finds that compliance would not be in the interest of national security. With respect to vessels owned and operated by the Department of Defense, regulations under the last sentence of subsection (b)(1) and certifications under subsection (g)(2) of

this section shall be promulgated and issued by the Secretary of Defense.

(e) Before the standards and regulations under this section are promulgated, the Secretary and the Secretary of the department in which the Coast Guard is operating shall consult with the Secretary of State; the Secretary of Health, Education, and Welfare; the Secretary of Defense; the Secretary of the Treasury; the Secretary of Commerce; other interested Federal agencies; and the States and industries interested; and otherwise comply with the requirements of section 553 of title 5 of the United States Code.

(f) After the effective date of the initial standards and regulations promulgated under this section, no State or political subdivision thereof shall adopt or enforce any statute or regulation of such State or political subdivision with respect to the design, manufacture, or installation or use of any marine sanitation device on any vessel subject to the provisions of this section. Upon application by a State, and where the Secretary determines that any applicable water quality standards require such a prohibition, he shall by regulation completely prohibit the discharge from a vessel of any sewage (whether treated or not) into those waters of such State which are the subject of the application and to which such standards apply.

(g) (1) No manufacturer of a marine sanitation device shall sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States for sale or resale any marine sanitation device manufactured after the effective date of the standards and regulations promulgated under this section unless such device is in all material respects substantially the same as a test device certified under this subsection.

(2) Upon application of the manufacturer, the Secretary of the department in which the Coast Guard is operating shall so certify a marine sanitation device if he determines, in accordance with the provisions of this paragraph, that it meets the appropriate standards and regulations promulgated under this section. The Secretary of the department in which the Coast Guard is operating shall test or require such testing of the device in accordance with procedures set forth by the Secretary as to standards of performance and for such other purposes as may be appropriate. If the Secretary of the department in which the Coast Guard is operating determines that the device is satisfactory from the standpoint of safety and any other requirements of maritime law or regulation, and after consideration of the design, installation, operation, material, or other appropriate factors, he shall certify the device. Any device manufactred by such manufacturer which is in all material respects substantially the same as the certified test device shall be deemed to be in conformity with the appropirate standards and regulations established under this section.

(3) Every manufacturer shall establish and maintain such records, make such reports, and provide such information as the Secretary or the Secretary of the department in which the Coast Guard is operating may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this section and regulations issued thereunder and shall, upon request of an officer or employee duly designated by the Secretary or the Secretary of the department in which the Coast Guard is operating, permit such officer or employee at reasonable times to have access to and copy such records. All information reported to or otherwise obtained by, the Secretary or the Secretary of the department in which the Coast Guard is operating or their representatives pursuant to this subsection which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this section. This paragraph shall not apply in the case of the construction of a vessel by an individual for his own use.

(h) After the effective date of standards and regulations promulgated under this section, it shall be unlawful—

(1) for the manufacture of any vessel subject to such standards and regulations to manufacture for sale, to sell or offer for sale, or to distribute for sale or resale any such vessel unless it is equipped with a marine sanitation device which is in all material respects substantially the same as the appropriate test device certified pursuant to this section;

(2) for any person, prior to the sale or delivery of a vessel subject to such standards and regulations to the ultimate purchaser, wrongfully to remove or render inoperative any certified marine sanitation device or element of design of such device installed in such vessel;

(3) for any person to fail or refuse to permit access to or copying of records or to fail to make reports or provide information required under this section; and

(4) for a vessel subject to such standards and regulations to operate on the navigable waters of the United States, if such vessel is not equipped with an operable marine sanitation device certified pursuant to this section.

(i) The district courts of the United States shall have jurisdictions to restrain violations of subsection (g) (1) and subsections (h) (1) through (3) of this section. Actions to restrain such violations shall be brought by, and in, the name of the United States. In case of contumacy or refusal to obey a subpena served upon any person under this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(j) Any person who violates subsection (g) (1) or clause (1) or (2) of subsection (h) of this section shall be liable to a civil penalty of not more than $5,000 for each violation. Any person who violates clause (4) of subsection (h) of this section or any regulation issued pursuant to this section shall be liable to a civil penalty of not more than $2,000 for each violation. Each violation shall be a separate offense. The Secretary of the department in which the Coast Guard is operating may assess and compromise any such penalty. No penalty shall be assessed until the person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by said Secretary.

(k) The provisions of this section shall be enforced by the Secretary of the department in which the Coast Guard is operating and he may utilize by agreement, with or without reimbursement, law enforcement officers or other personnel and facilities of the Secretary, other Federal agencies, or the States to carry out the provisions of this section.

(l) Anyone authorized by the Secretary of the department in which the Coast Guard is operating to enforce the provisions of this section may, except as to public vessels, (1) board and inspect any vessel upon the navigable waters of the United States and (2) execute any warrant or other process issued by an officer or court of competent jurisdiction.

(m) In the case of Guam, actions arising under this section may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone, such actions may be brought in the District Court for the District of the Canal Zone.

Area Acid and Other Mine Water Pollution Control Demonstrations

Sec. 14. (a) The Secretary in cooperation with other Federal departments, agencies, and instrumentalities is authorized to enter into agreements with any State or interstate agency to carry out one or more projects to demonstrate methods for the elimination or control, within all or part of a watershed, of acid or other mine water pollution resulting from active or abandoned mines. Such projects shall demonstrate the engineering and economic feasibility and practicality of various abatement techniques which will contribute substantially to effective and practical methods of acid or other mine water pollution elimination or control.

(b) The Secretary, in selecting watersheds for the purposes of this section shall (1) require such feasibility studies as he deems appropriate, (2) give preference to areas which have the greatest present or potential value for public use for recreation, fish and wildlife, water supply, and other public uses, and (3) be satisfied that the project area will not be affected adversely by the influx of acid or other mine water pollution from nearby sources.

(c) Federal participation in such projects shall be subject to the conditions—

(1) that the State or interstate agency shall pay not less than 25 per centum of the actual project costs which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, or personal property or services, the value of which shall be determined by the Secretary; and

(2) that the State or interstate agency shall provide legal and practical protection to the project area to insure against any activities which will cause future acid or other mine water pollution.

(d) There is authorized to be appropriated $15,000,000 to carry out the provisions of this section, which sum shall be available until expended. No more than 25 per centum of the total funds available under this section in any one year shall be granted to any one State.

Pollution Control in Great Lakes

Sec. 15. (a) The Secretary, in cooperation with other Federal departments, agencies, and instrumentalities is authorized to enter into agreements with any State, political subdivision, interstate agency, or other public agency, or combination thereof, to carry out one or more projects to demonstrate new methods and techniques and to develop preliminary plans for the elimination or control of pollution, within all or any part of the watersheds of the Great Lakes. Such projects shall demonstrate the engineering and economic feasibility and practicality of removal of pollutants and prevention of any polluting matter from entering into the Great Lakes in the future and other abatement and remedial techniques which will contribute substantially to effective and practical methods of water pollution elimination or control.

(b) Federal participation in such projects shall be subject to the condition that the

State, political subdivision, interstate agency, or other public agency, or combination thereof, shall pay not less than 25 per centum of the actual project costs, which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, and personal property or services the value of which shall be determined by the Secretary.

(c) There is authorized to be appropriated $20,000,000 to carry out the provisions of this section, which sum shall be available until expended.

Training grants and contracts

Sec. 16. The Secretary is authorized to make grants to or contracts with institutions of higher education, or combinations of such institutions, to assist them in planning, developing, strengthening, improving, or carrying out programs or projects for the preparation of undergraduate students to enter an occupation which involves the design, operation, and maintenance of treatment works, and other facilities whose purpose is water quality control. Such grants or contracts may include payment of all or part of the cost of programs or projects such as—

(A) planning for the development or expansion of programs or projects for training persons in the operation and maintenance of treatment works;

(B) training and retraining of faculty members;

(C) conduct of short-term or regular session institutes for study by persons engaged in, or preparing to engage in, the preparation of students preparing to enter an occupation involving the operation and maintenance of treatment works;

(D) carrying out innovative and experimental programs of cooperative education involving alternate periods of full-time or part-time academic study at the institution and periods of full-time or part-time employment involving the operation and maintenance of treatment works; and

(E) research into, and development of, methods of training students or faculty, including the preparation of teaching materials and the planning of curriculum.

Application for Training Grant or Contract; Allocation of Grants or Contracts

Sec. 17. (1) A grant or contract authorized by section 16 may be made only upon application to the Secretary at such time or times and containing such information as he may prescribe, except that no such application shall be approved unless it—

(A) sets forth programs, activities, research, or development for which a grant is authorized under section 16, and describes the relation to any program set forth by the applicant in an application, if any, submitted pursuant to section 18.

(B) provides such fiscal control and fund accounting procedures as may be necessary to assure proper disbursements of and accounting for Federal funds paid to the applicant under this section; and

(C) provides for making such reports, in such form and containing such information, as the Secretary may require to carry out his functions under this section, and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verifications of such reports.

(2) The Secretary shall allocate grants or contracts under section 16 in such manner as will most nearly provide an equitable distribution of the grants or contracts throughout the United States among institutions of higher education which show promise of being able to use funds effectively for the purposes of this section.

(3)(A) Payment under this section may be used in accordance with regulations of the Secretary, and subject to the terms and conditions set forth in an application approved under subsection (a), to pay part of the compensation of students employed in connection with the operation and maintenance of treatment works, other than as an employee in connection with the operation and maintenance of treatment works or as an employee in any branch of the Government of the United States, as part of a program for which a grant has been approved pursuant to this section.

(B) Departments and agencies of the United States are encouraged, to the extent consistent with efficient administration, to enter into arrangements with institutions of higher education for the full-time, part-time, or temporary employment, whether in the competitive or excepted service, of students enrolled in programs set forth in applications approved under subsection (a).

Award for Scholarships

Sec. 18. (1) The Secretary is authorized to award scholarships in accordance with the provisions of this section for undergraduate study by persons who plan to enter an occupation involving the operation and maintenance of treatment works. Such scholarships shall be awarded for such periods as the Secretary may determine but not to exceed four academic years.

(2) The Secretary shall allocate scholarships under this section among institutions of higher education with programs approved under the provisions of this section for the use of individuals accepted into such programs, in such manner and according to such plan as will insofar as practicable—

(A) provide an equitable distribution of such scholarships throughout the United States; and

(B) attract recent graduates of secondary schools to enter an occupation involving the operation and maintenance of treatment works.

(3) The Secretary shall approve a program of an institution of higher education for the purposes of this section only upon application by the institution and only upon his finding—

(A) that such program has as a principal objective the education and training of persons in the operation and maintenance of treatment works;

(B) that such program is in effect and of high quality, or can be readily put into effect and may reasonably be expected to be of high quality;

(C) that the application describes the relation of such program to any program, activity, research, or development set forth by the applicant in an application, if any, submitted pursuant to section 16 of this Act; and

(D) that the application contains satisfactory assurances that (i) the institution will recommend to the Secretary for the award of scholarships under this section, for study in such program, only persons who have demonstrated to the satisfaction of the institution a serious intent, upon completing the program, to enter an occupation involving the operation and maintenance of treatment works, and (ii) the institution will make reasonable continuing efforts to encourage recipients of scholarships under this section, enrolled in such program, to enter occupations involving the operation and maintenance of treatment works upon completing the program.

(4)(A) The Secretary shall pay to persons awarded scholarships under this section such stipends (including such allowances for subsistence and other expenses for such persons and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

(B) The Secretary shall (in addition to the stipends paid to persons under subsection (a)) pay to the institution of higher education at which such person is pursuing his course of study such amount as he may determine to be consistent with prevailing practices under comparable federally supported programs.

(5) A person awarded a scholarship under the provisions of this section shall continue to receive the payments provided in this section only during such periods as the Secretary finds that he is maintaining satisfactory proficiency and devoting full time to study or research in the field in which such scholarship was awarded in an institution of higher education, and is not engaging in gainful employment other than employment approved by the Secretary by or pursuant to regulation.

(6) The Secretary shall by regulation provide that any person awarded a scholarship under this section shall agree in writing to enter and remain in an occupation involving the design, operation, or maintenance of treatment works for such period after completion of his course of studies as the Secretary determines appropriate.

Definitions and Authorizations

Sec. 19. (1) As used in sections 16 through 19 of this Act—

(A) The term "State" includes the District of Columbia, Puerto Rico, the Canal Zone, Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

(B) The term "institution of higher education" means an educational institution described in the first sentence of section 1201 of the Higher Education Act of 1965 (other than an institution of any agency of the United States) which is accredited by a nationally recognized accrediting agency or association approved by the Secretary for this purpose. For purposes of this subsection, the Secretary shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

(C) The term "academic year" means an academic year or its equivalent, as determined by the Secretary.

(2) The Secretary shall annually report his activities under sections 16 through 19 of this Act, including recommendations for needed revisions in the provisions thereof.

(3) There are authorized to be appropriated $12,000,000 for the fiscal year ending June 30, 1970, $25,000,000 for the fiscal year ending June 30, 1971, and $25,000,000 for the fiscal year ending June 30, 1972, to carry out sections 16 through 19 of this Act (and planning and related activities in the initial fiscal year for such purpose). Funds appropriated for the fiscal year ending June 30, 1970, under authority of this subsection shall be available for obligation pursuant to the provisions of sections 16 through 19 of this Act during that year and the succeeding fiscal year.

Alaska Village Demonstration Projects

Sec. 20. (a) The Secretary is authorized to enter into agreements with the State of Alaska to carry out one or more projects to demonstrate methods to provide for central community facilities for safe water and the elimination or control of water pollution in those native villages of Alaska without such facilities. Such project shall include provisions for community safe water supply systems, toilets, bathing and laundry facilities, sewage disposal facilities, and other similar facilities, and educational and informational facilities and programs relating to health and hygiene. Such demonstration projects shall be for the further purpose of developing preliminary plans for providing such safe water and such elimination or control of water pollution for all native villages in such State.

(b) In carrying out this section the Secretary shall cooperate with the Secretary of Health, Education, and Welfare for the purpose of utilizing such of the personnel and facilities of that Department as may be appropriate.

(c) The Secretary shall report to Congress not later than January 31, 1973, the results of the demonstration projects authorized by this section together with his recommendations, including any necessary legislation, relating to the establishment of a statewide program.

(d) There is authorized to be appropriated not to exceed $1,000,000 to carry out this section.

[COOPERATION TO CONTROL POLLUTION FROM FEDERAL INSTALLATIONS

[SEC. 11. It is hereby declared to be the intent of the Congress that any Federal department or agency having jurisdiction over any building, installation, or other property shall, insofar as practicable and consistent with the interests of the United States and within any available appropriations, cooperate with the Department of Health, Education, and Welfare, and with any State or interstate agency or municipality having jurisdiction over waters into which any matter is discharged from such property, in preventing or controlling the pollution of such waters. In his summary of any conference pursuant to section 10(d)(3) of this Act, the Secretary shall include references to any discharges allegedly contributing to pollution from any Federal property. Notice of any hearing pursuant to section 10(f) involving any pollution alleged to be effected by any such discharges shall also be given to the Federal agency having jurisdiction over the property involved and the findings and recommendations of the Hearing Board conducting such hearing shall also include references to any such discharges which are contributing to the pollution found by such Hearing Board.]

Cooperation by All Federal Agencies in the Control of Pollution

Sec. 21. (a) Each Federal agency (which term is used in this section includes Federal departments, agencies, and instrumentalities) having jurisdiction over any real property or facility, or engaged in any Federal public works activity of any kind, shall, consistent with the paramount interest of the United States as determined by the President, insure compliance with applicable water quality standards and the purposes of this Act in the administration of such property, facility, or activity. In his summary of any conference pursuant to section 10(d)(4) of this Act, the Secretary shall include references to any discharges allegedly contributing to pollution from any such Federal property, facility, or activity, and shall transmit a copy of such summary to the head of the Federal agency having jurisdiction of such property, facility, or activity. Notice of any hearing pursuant to section 10(f) of this Act involving any pollution alleged to be effected by any such discharges shall also be given to the Federal agency having jurisdiction over the property, facility, or activity involved, and the findings and recommendations of the hearing board conducting such hearing shall include references to any such discharges which are contributing to the pollution found by such board.

(b)(1) Any applicant for a Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters of the United States, shall provide the licensing or permitting agency a certification from the State in which the discharge originates or will originate, or, if appropriate, from the interstate water pollution control agency having jurisdiction over the navigable waters at the point where the discharge originates or will originate, that there is reasonable assurance, as determined by the State or interstate agency that such activity will be conducted in a manner which will not violate applicable water quality standards. Such State or interstate agency shall establish procedures for public notice in the case of all applications for certification by it, and to the extent it deems appropriate, procedures for public hearings in connection with specific applications. In any case where such standards have been promulgated by the Secretary pursuant to section 10(c) of this Act, or where a State or interstate agency has no authority to give such a certification, such certification shall be from the Secretary. If the State, interstate agency, or Secretary, as the case may be, fails or refuses to act on a request for certification, within a reasonable period of time (which shall not exceed one year) after receipt of such request, the certification requirements of this subsection shall be waived with respect to such Federal application. No license or permit shall be granted until the certification required by this section has been obtained or has been waived as provided in the preceding sentence. No license or permit shall be granted if certification has been denied by the State, interstate agency, or the Secretary, as the case may be.

(2) Upon receipt of such application and certification the licensing or permitting agency shall immediately notify the Secretary of such application and certification. Whenever such a discharge may affect, as determined by the Secretary, the quality of the waters of any other State, the Secretary within thirty days of the date of notice of application for such Federal license or permit shall so notify such other State, the licensing or permitting agency, and the applicant. If, within sixty days after receipt of such notification, such other State determines that such discharge will affect the quality of its waters so as to violate its water quality standards, and within such sixty-day period notifies the Secretary and the licensing or permitting agency in writing of its objection to the issuance of such license or permit and requests a public hearing on such objection, the licensing or permitting agency shall hold such a hearing. The Secretary shall at such hearing submit his evaluation and recommendations with respect to any such objection to the licensing or permitting agency. Such agency, based upon the recommendations of such State, the Secretary, and upon any additional evidence, if any, presented to the agency at the hearing, shall condition such license or permit in such manner as may be necessary to insure compliance with applicable water quality standards. If the imposition of conditions cannot insure such compliance such agency shall not issue such license or permit.

(3) The certification obtained pursuant to paragraph (1) of this subsection with respect to the construction of any facility shall fulfill the requirements of this subsection with respect to certification in connection with any other Federal license or permit required for the operation of such facility unless, after notice to the certifying State, agency, or Secretary, as the case may be, which shall be given by the Federal agency to whom application is made for such operating license or permit, the State, or if appropriate, the interstate agency or the Secretary, notifies such agency within sixty days after receipt of such notice that there is no longer reasonable assurance that there will be compliance with applicable water quality standards because of changes since the construction license or permit certification was issued in (A) the construction or operation of the facility, (B) the characteristics of the waters into which such discharge is made, or (C) the water quality standards applicable to such waters. This paragraph shall be inapplicable in any case where the applicant for such operating license or permit has failed to provide the certifying State, or if appropriate, the interstate agency or the Secretary, with notice of any proposed changes in the construction or operation of the facility with respect to which a construction license or permit has been granted which changes may result in violation of applicable water quality standards.

(4) Prior to the initial operation of any federally licensed or permitted facility or activity which may result in any discharge into the navigable waters of the United States and with respect to which a certification has been obtained pursuant to paragraph (1) of this subsection, which facility or activity is not subject to a Federal operating license or permit, the licensee or permittee shall provide an opportunity for such certifying State, or if appropriate, the interstate agency or the Secretary to review the manner in which the facility or activity shall be operated or conducted for the purposes of assuring that applicable water quality standards will not be violated. Upon notification by the certifying State, or if appropriate, the interstate agency or the Secretary that the operation of any such federally licensed or permitted facility or activity will violate applicable water quality standards, such Federal agency may, after public hearing suspend such license or permit. If such license or permit is suspended it shall remain suspended until notification is received from the certifying State, agency, or Secretary, as the case may be, that there is reasonable assurance that such facility or activity will not violate applicable water quality standards.

(5) Any Federal license or permit with respect to which a certification has been obtained under paragraph (1) of this subsection may be suspended or revoked by the Federal agency issuing such license or permit upon the entering of a judgment under section 10(h) of this Act that such facility or activity has been operated in violation of applicable water quality standards.

(6) No Federal agency shall be deemed to be an applicant for the purposes of this subsection.

(7) In any case where actual construction of a facility has been lawfully commenced prior to the date of enactment of the Water Quality Improvement Act of 1970, no certification shall be required under this subsection for a license or permit issued after the date of enactment of such Act of 1970 to operate such facility, except that any such license or permit issued without certification shall terminate at the end of the three-year period beginning on the date of enactment of such Act of 1970 unless prior to such termination date the person having such license or permit submits to the Federal agency which issued such license or permit a certification and otherwise meets the requirements of this subsection.

(8) Except as provided in paragraph (7), any application for a license or permit (A) that is pending on the date of enactment of the Water Quality Improvement Act of 1970 and (B) that is issued within one year following such date of enactment shall not require certification pursuant to this subsection for one year following the issuance of such license or permit, except that any such license or permit issued shall terminate at the end of one year unless prior to that time the licensee or permittee submits to the Federal agency that issued such license or permit a certification and otherwise meets the requirements of this subsection.

(9)(A) In the case of any activity which will affect water quality but for which there are no applicable water quality standards, no certification shall be required under this subsection, except that the licensing or permitting agency shall impose, as a condition of any license or permit, a requirement that the licensee or permittee shall comply with the purposes of this Act.

(B) Upon notice from the State in which the discharge originates or, as appropriate, the interstate agency or the Secretary, that such licensee or permittee has been notified of the adoption of water quality standards applicable to such activity and has failed,

after reasonable notice, of not less than six months, to comply with such standards, the license or permit shall be suspended until notification is received from such State or interstate agency or the Secretary that there is reasonable assurance that such activity will comply with applicable water quality standards.

(c) Nothing in this section shall be construed to limit the authority of any department or agency pursuant to any other provision of law to require compliance with applicable water quality standards. The Secretary shall, upon the request of any Federal department or agency, or State or interstate agency, or applicant, provide, for the purpose of this section, any relevant information on applicable water quality standards, and shall when requested by any such department or agency or State or interstate agency, or applicant, comment on any method to comply with such standards.

(d) In order to implement the provisions of this section, the Secretary of the Army, acting through the Chief of Engineers, is authorized, if he deems it to be in the public interest, to permit the use of spoil disposal areas under his jurisdiction by Federal licensees or permittees, and to make an appropriate charge for such use. Moneys received from such licensees or permittees shall be deposited in the Treasury as miscellaneous receipts.

ADMINISTRATION

SEC. [12] 22. (a) The Secretary is authorized to prescribe such regulations as are necessary to carry out his functions under this Act.

(b) The Secretary, with the consent of the head of any other agency of the United States, may utilize such officers and employees of such agency as may be found necessary to assist in carrying out the purposes of this Act.

(c) There are hereby authorized to be appropriated to the Department of Health, Education, and Welfare such sums as may be necessary to enable it to carry out its functions under this Act.

(d) Each recipient of assistance under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(e) The Secretary of Health, Education, and Welfare and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this Act.

(f) (1) It is the purpose of this subsection to authorize a program which will provide official recognition by the United States Government to those industrial organizations and political subdivisions of States which during the preceding year demonstrated an outstanding technological achievement or an innovative process, method or device in their waste treatment and pollution abatement programs. The Secretary shall, in consultation with the appropriate State water pollution control agency, establish regulations under which such recognition may be applied for and granted, except that no applicant shall be eligible for an award under this subsection if such applicant is not in total compliance with all applicable water quality standards under this Act, and otherwise does not have a satisfactory record with respect to environmental quality.

(2) The Secretary shall award a certificate or plaque of suitable design to each industrial organization or political subdivision which qualifies for such recognition under regulations established by this subsection.

(3) The President of the United States, the Governor of the appropriate State, the Speaker of the House of Representatives, and the President pro tempore of the Senate shall be notified of the award by the Secretary, and the awarding of such recognition shall be published in the Federal Register.

DEFINITIONS

SEC. [13] 23. When used in this Act:

(a) The term "State water pollution control agency" means the State health authority, except that, in the case of any State in which there is a single State agency, other than the State health authority, charged with responsibility for enforcing State laws relating to the abatement of water pollution, it means such other State agency.

(b) The term "interstate agency" means an agency of two or more States established by or pursuant to an agreement or compact approved by the Congress, or any other agency of two or more States, having substantial powers or duties pertaining to the control of pollution of waters.

(c) The term "treatment works" means the various devices used in the treatment of sewage or industrial wastes of a liquid nature, including the necessary intercepting sewers, outfall sewers, pumping, power, and other equipment, and their appurtenances, and includes any extensions, improvements, remodeling, additions, and alterations thereof.

(d) The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

(e) The term "interstate waters" means all rivers, lakes, and other waters that flow across or form a part of State boundaries, including coastal waters.

(f) The term "municipality" means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, and an Indian tribe or an authorized Indian tribal organization.

OTHER AUTHORITY NOT AFFECTED

SEC. [14] 24. This Act shall not be construed as (1) superseding or limiting the functions, under any other law, of the Surgeon General or of the Public Health Service, or of any other officer or agency of the United States, relating to the water pollution, or (2) affecting or impairing the provisions of [the Oil Pollution Act, 1924, or] sections 13 through 17 of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors and for other purposes", approved March 3, 1899, as amended, or (3) affecting or impairing the provisions of any treaty of the United States.

SEPARABILITY

SEC. [15] 25. If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

SEC. [16] 26. (a) In order to provide the basis for evaluating programs authorized by this Act, the development of new programs, and to furnish the Congress with the information necessary for authorization of appropriations for fiscal years beginning after June 30, 1968, the Secretary, in cooperation with State water pollution control agencies and other water pollution control planning agencies, shall make a detailed estimate of the cost of carrying out the provisions of this Act; a comprehensive study of the economic impact on affected units of government of the cost of installation of treatment facilities; and a comprehensive analysis of the national requirements for and the cost of treating municipal, industrial, and other effluent to attain such water quality standards as established pursuant to this Act or applicable State law. The Secretary shall submit such detailed estimate and such comprehensive study of such cost for the five-year period beginning July 1, 1968, to the Congress no later than January 10, 1968, such study to be updated each year thereafter.

(b) The Secretary shall also make a complete investigation and study to determine (1) the need for additional trained State and local personnel to carry out programs assisted pursuant to this Act and other programs for the same purpose as this Act, and (2) means of using existing Federal training programs to train such personnel. He shall report the results of such investigation and study to the President and the Congress not later than July 1, 1967.

[SEC. 17. The Secretary of the Interior shall, in consultation with the Secretary of the Army, the Secretary of the department in which the Coast Guard is operating, the Secretary of Health, Education, and Welfare, and the Secretary of Commerce conduct a full and complete investigation and study of the extent of the pollution of all navigable waters of the United States from litter and sewage discharged, dumped, or otherwise deposited into such waters from watercraft using such waters, and methods of abating either in whole or in part such pollution. The Secretary shall submit a report of such investigation to Congress, together with his recommendations for any necessary legislation, not later than July 1, 1967.

[SEC. 18. The Secretary of the Interior shall conduct a full and complete investigation and study of methods for providing incentives designed to assist in the construction of facilities and works by industry designed to reduce or abate water pollution. Such study shall include, but not be limited to, the possible use of tax incentives as well as other methods of financial assistance. In carrying out this study the Secretary shall consult with the Secretary of the Treasury as well as the head of any other appropriate department or agency of the Federal Government. The Secretary shall report the results of such investigation and study, together with his recommendations, to the Congress not later than January 30, 1968.]

SHORT TITLE

SEC. [19] 27. This Act may be cited as the "Federal Water Pollution Control Act".

Mr. RANDOLPH. Mr. President, this conference measure is the result of almost 2½ years of legislative effort and 5 months of extensive and arduous conferences with the other body.

Many members of the committee as well as the staff have labored earnestly. The oil liability provisions were among the most complex and controversial features which have been considered in the Public Works Committee in the 11 years I have served on that committee, and for the almost 4 years as its chairman.

Though, as I stated, all members of the committee have contributed to this landmark legislation, the Senator deserving special credit for bringing it to fruition is the able chairman of our Subcommittee on Air and Water Pollution, EDMUND S. MUSKIE.

The conference measure is an equitable and effective and enforceable piece of legislation. In the oil spill provisions, it adheres to the basic philosophy of the Senate bill S. 7, which declared that the oil industry and oil shippers will bear the risk of cleanup of oil spills rather than the public. The conference measure, I believe, on the basis of our present information, makes a proper assignment of liabilities and responsibilities with ef-

fective protection of the public interest.

I also add that during our consideration of this vital subject, it has been my experience that the oil industry has shown an active desire to cooperate with the committee in its effort to develop effective and equitable legislation. This attitude has also been evident among other industrial and commercial interests.

I commend not only Senator MUSKIE for his leadership in the legislation but also Senator COOPER, ranking minority member of the Committee on Public Works, but also Senator BOGGS, Senator BAKER, and other Members of both the majority and minority for their constructive contributions to this significant legislation.

Mr. COOPER. Mr. President, today the Senate Members of the conference bring back to the Senate and ask approval of a very comprehensive and excellent water pollution control bill, H.R. 4148. It was a difficult conference, because of the complex nature of the legislation. Simple remedies are not sufficient in environmental legislation. The issues involve intergovernmental relationships, the economic system, technology and appropriate legal measures for enforcement. This bill attempts to chart a course to achieve water quality in the complex of factors I have described.

The House and Senate passed bills contained many differences. Resolving these differences in the context of the factors I have described required careful consideration and drafting. It was a time-consuming conference lasting from November 1969 until March 1970 but it has resulted in fair and necessary legislation. I pay my tribute to the chairman of the subcommittee, Senator MUSKIE, for his creativity and leadership, to Senator BOGGS, the ranking Republican members, Senator RANDOLPH, the chairman of the Committee on Public Works, Senators BAKER, BAYH, and MONTOYA, for their great contribution to the conference and their participation in it. A similar commendation is due the Members of the House who also participated actively in this conference, and to the staff of both committees. I would like to say that Senator BOGGS and Senator RANDOLPH with their large experience, and Senator BAKER whose leadership on the knotty legal problems involved was so helpful, deserve especial credit.

There are many important provisions in this bill, but I will touch on only two or three at this time.

OIL POLLUTION REMOVAL LIABILITY

Due in very large part to Senator BAKER'S clear articulation of the necessity of protecting the public interest through the concept of absolute liability, the Senate, and now the conference, agreed upon a basic formula imposing such liability upon owners and operators of vessels and onshore and offshore facilities for cleanup costs incurred by the United States. Consistent with the philosophy of absolute liability, limits of liability are provided. This is an important provision, which I consider draws a proper balance between the public interest and the ability of private enterprise to respond. I think it should be pointed out that the provision was adopted only after the most careful consideration and thorough study.

In the bill that passed the Senate any discharge of oil in violation of levels set by regulation was subject to fines and removal penalties. The Conference bill adopts the Senate approach, with additional guidance to the President in establishing, by regulation, such amounts.

Subsection 11(b)(3) provides that the President shall by regulation establish those quantities of oil which will be harmful to the public health or welfare of the United States, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches. The subsection goes on to provide with regard to the contiguous zone that the President shall establish as harmful quantities only those discharges that threaten the fishery resources of the contiguous zone or quantities which would threaten to promote or contribute to the pollution of the territorial sea.

It should be clear that the judgment of harmful, in the case of the contiguous zone, as in the case of navigable waters of the United States and adjoining shorelines, is to be made at the time of the establishment of the regulation and not at the time of the discharge of oil.

HAZARDOUS SUBSTANCES

During the course of executive sessions in the Committee on Public Works, Senator DOLE offered an amendment, subsequently adopted by the committee, included in the Senate bill and now in the conference bill, separating from the oil pollution liability provisions the legislative treatment of hazardous substances discharged into the waters of the United States. The committee recognized that hazardous substances present different problems than oil, and the solution of these problems requires additional knowledge and technology not yet available. The conference bill maintains the provision of the Senate bill, establishing a new designation procedure for hazardous substances, and requiring notice when such designated substances are discharged. The conference bill further authorizes an accelerated study of the removal methods and enforcement measures appropriate to deal with releases of hazardous substances into the waters of the United States.

FEDERAL ACTIVITIES COMPLIANCE

It is possible that the most significant provision in this bill is the section, section 21, requiring compliance with water quality standards by Federal facilities and activities and by federally licensed or permitted facilities and activities. The conference bill maintains the position of the Senate bill that the Federal Government shall comply with water quality standards in the conduct of all of its activities. The President has already taken a significant step in this direction in the Executive order issued in February, Executive Order No. 11507. Section 21(a) provides clear authority for the President to achieve this compliance.

Following the same concept, section 21(b) of the conference bill will require those activities which the Federal Government license or permits to comply with water quality standards. At the time the bill passed the Senate, it included an amendment offered by Senator MATHIAS requiring public hearings in State procedures leading to issuance of a certification of compliance with water quality. The conference bill adds a requirement that the State must give notice of all applications received by such State for certification pursuant to subsection 21(b). Maintaining the intention of the Mathias amendment, it provides that the State will provide an opportunity for public hearings as it deems appropriate, I believe it correct to say it was the intent of the conference that a State may, without a public hearing, pass upon certification requests of a routine nature which do not involve risks to water quality. However, the committee expects the opportunity for public hearings to be provided upon projects that involve significant risks to water quality for which certification is being sought. This should certainly include most licenses issued by the Atomic Energy Commission, the Federal Power Commission, and dredge and fill permits of the Corps of Engineers.

TITLE II

The last specific provision I would like to touch upon is that establishing in the Executive Office of the President an Office of Environmental Quality. This provision is very closely related to the National Environmental Policy Act, Public Law 91–190, which established the Council on Environmental Quality. It will be recalled that the relationship of these two acts was described prior to the adoption of S. 7 by the Senate on October 8, 1969. The conference bill further supports the Office of Environmental Quality, with particular emphasis on its function of providing a competent professional staff to the Council on Environmental Quality.

The statutory responsibilities placed upon the Council on Environmental Quality and the Office of Environmental Quality are large and broad; without competent staff these responsibilities will not be met. The public's concern over environmental quality, is well known; the President's commitment to achieve it is also well known. Therefore, it was incumbent on us to provide adequate staff authority and I believe the conference will do so. The conference bill also designates that the chairman of the Council on Environmental Quality established by Public Law 91–190 shall serve as the Director of the Office of Environmental Quality. We look forward to the implementation of the authority to establish the office, and believe that together with Public Law 91–190 the authority is at hand to begin the task of responding to the demand for and interest in environmental quality.

Mr. President, my colleague, the distinguished Senator from Delaware (Mr. BOGGS), had hoped to be on the floor when this important conference report was discussed. It is his belief that this is one of the most important pieces of legislation that will be considered by the 91st Congress, and he had very much hoped to be here today when the con-

ference report is to be acted upon by the Senate. However, he is necessarily absent. In his absence, he has asked me to place in the RECORD the statement he intended to make on the Senate floor. I would like to say that Senator BOGGS, as ranking minority member of the subcommittee, and of the Senate conferees, worked indefatigably upon the bill and the conference report. His knowledge, experience and leadership contributed in very large degree to this important legislation now before the Senate for final action.

I ask unanimous consent that Senator BOGGS' statement be printed at this point in the RECORD.

There being no objection the statement was ordered to be printed in the RECORD, as follows:

Mr. BOGGS. Mr. President, approximately one year has passed since the Senate Subcommittee on Air and Water Pollution began executive sessions to mark up the Water Quality Improvement Act of 1969. During that period of time the Subcommittee, the full Committee on Public Works, the Senate, and finally the Committee on Conference investigated and discussed the knotty issues that run throughout this legislation.

This bill, as the distinguished Senator from Kentucky (Mr. Cooper) and others have pointed out, seeks to deal with many aspects of water pollution, each a difficult and time-consuming issue. This bill deals with the pollution of our waters with petroleum, sewage from vessels, acid mine drainage, licensing of facilities discharging into interstate waters, and several other water pollution problems.

Senator Cooper has discussed several of these aspects of this legislation. He has pointed out the very helpful and constructive role played by Senator Baker in developing language that deals with liability for an oil spill. I support Senator Cooper's comments.

There are two other aspects of this legislation that I believe merit comment. One concerns sewage discharges from vessels. The Conference Report contains language that is very similar to the bill approved by the Senate. This is true in relation to the certification of devices for installation aboard pleasure and commercial craft.

The major alteration from the Senate version appears in Subsection (f) of Section 13 of the new bill. The original Senate version left to the States the determination on whether sewage discharges should be barred completely in specific areas within that State if the "implementation of applicable water quality standards requires such prohibition."

The House version gave the States a right to bar sewage discharge only in waters where all other discharges of sewage were prohibited.

The new proposed version wisely inserts the Secretary of the Interior into this procedure. Under the compromise version, a State may apply to the Secretary for the right to prohibit discharges in a specified area. The Secretary may then prohibit such discharges in that area if he finds that compliance with applicable water quality standards requires such a prohibition.

This new language, I believe, preserves the intent of the Senate version, leaving with the States the right to achieve as full protection as possible in the areas of shellfish beds, marinas, drinking water intakes, bathing beaches, and other areas that could be adversely affected by a discharge from even the most highly treated vessel sewage.

Another portion of the bill to which I would like to address myself is Sections 16, 17, and 18 of H.R. 4148, submitted by the Committee on Conference. These sections provide for a very essential program for the education and training of personnel to plan, develop, operate, and maintain existing and future water quality programs.

The Senate version, which appeared in Subsection (g) of Section 104 had provided for a pilot program under which the Federal Water Pollution Control Administration would train several thousand technicians to make certain that the costly pollution control facilities we are building throughout the nation will be operated in the most effective and efficient manner possible. This section had been proposed by the distinguished Republican Leader (Mr. Scott).

This training program is retained in the proposed bill offered by the Committee on Conference. The new version also includes a House proposal for scholarship programs and "innovative and experimental programs" for the training of persons in the operation and maintenance of sewage treatment work.

Together, these proposals offer a balanced approach toward alleviating any shortages now existing in the water treatment field.

In addition, I want to express my gratitude to the distinguished ranking Republican Member of the Committee on Public Works (Mr. Cooper), the distinguished Chairman of the Committee (Mr. Randolph), the distinguished Chairman of the Subcommittee (Mr. Muskie), as well as the other distinguished members of the Conference on the part of the Senate and the House of Representatives. Each devoted a great deal of time in an effort to resolve numerous differences in approach and language in the Senate and House bills.

The resulting bill has my full support. It is legislation that will go far in coming months and years to enhance the quality of our nation's water resources.

A NEW ADVANCE IN THE STRUGGLE AGAINST POLLUTION

Mr. YARBOROUGH. Mr. President, the bill to which we are giving final approval today, and which I am proud to cosponsor, is another landmark in our effort to curb water pollution.

Specifically, the bill will hopefully encourage the oil companies who drill for oil off the U.S. coastline to exercise greater care. We have seen too many examples of what oil leaks can do to a stretch of beach, to marine and animal life, and to the ecology of any region where they occur. This bill fixes absolute liability for oil leaks on those from whose wells they occur. Hopefully, these companies will now be far more careful in their work.

The other part of the bill which I feel will greatly assist in the Nation's effort to curb water pollution is the one which provides for research into oil removal and lake pollution. In spite of the fact that we have seen the damage which oil can do, we know very little about rapid, effective ways to remove it from beaches and from the water's surface. Also, although we have watched the slow "death" of Lake Erie, we know too little, I think, about the processes which caused this problem or about how to remedy it. Hopefully, the bill will help us in our search for ways to handle these problems.

Mr. President, this is the sixth major piece of water pollution control legislation I have either cosponsored or supported since I came to the Senate in 1957. I think its passage will give further evidence of our determination to stop the slow destruction of the earth. I urge the adoption of the conference report.

Mr. ALLOTT. Mr. President, the grim details of water pollution in America are a cause of grave national concern. A few facts reveal why.

Last year an estimated 15 million fish were killed by oil spills and heat and chemical pollution.

The Cuyahoga River in Ohio is so noxious that even the leeches and sludge worms that thrive on the bottom of normally polluted waters cannot survive. And the surface of this river is so saturated with flammable substances that the river has actually been declared a fire hazard. There is good reason for this: last year the river caught fire and nearly destroyed two railroad trestles.

Representative LOWELL WEICKER, of Connecticut, has come up with these facts:

Of 62 beaches along Lake Erie's U.S. shores, only three are rated completely safe for swimming. Even wading is unpleasant because 30,000 sludge worms may be found in each square yard of lake bottom. . . . When you dive into Long Island Sound, you are diving into 196 million gallons of waste that comes from 46 municipal plants, 59 industrial plants and seven Federal installations every day.

The Hudson River is so thoroughly polluted that the streambed is laden with excess pollutants. These pollutants are excess in the sense that they are not carried by the water. But they are still a threat.

Experts estimate that if, starting tomorrow, not a single drop or grain or pollution were ever again put into the Hudson, water washing over pollution on the streambed would repollute the river constantly for as long as 15 years. Or, to put the matter differently, if we cleansed the Hudson at point "A", riverbed pollution would make it necessary to cleanse it again at point "B" 15 miles downstream. That is, there is enough settled pollution in the Hudson to repollute it every 15 miles.

The Ohio River serves a 10-State drainage area with a population of 24 million persons and 38,000 industrial plants. Nearly a billion dollars has been spent in the past 20 years to clean it up. Meanwhile the Army Corps of Engineers has been laboring on the same stretch of water, improving it for navigation. But the engineers have been creating, in effect, a series of reservoirs along the river route. These do not drain well. Pollution accumulates, including the thermal pollution that raises the temperature of various pools in the river. Both of these programs—the antipollution efforts and the Corps of Engineers' efforts—are worthwhile. But the net effect may be to take away with one hand what is given with the other.

Today efforts are being made to improve coordination between the Engineers Corps and the Interior Department's Water Pollution Control Administration.

There is a form of water pollution—and it is extremely destructive—that need not involve putting any chemical impurities into the water. This is the thermal pollution mentioned above. It

involves raising the water temperature. It occurs when a plant uses water in cooling processes and returns heated water to a river or lake. Any significant change in the temperature of a body of water can destroy the animal and plant life that nature uses to keep the water balanced and continually renewed.

For example, warm water may cause fish eggs to hatch prematurely and, because warm water absorbs less oxygen, it slows the decomposition of organic wastes.

Most of the water used by American industry is used for cooling. And the amount used for cooling purposes in nuclear power plants generating electricity is astonishing. For example, a 500-million-watt nuclear plant that is cooled by a lake or river must pump approximately 7,650 gallons of cooling water every second. That is approximately 660 million gallons per day.

Present and future demands indicate that industrial cooling water, when viewed on the national scale, is a first order source of waste heat. The electric power generating industry alone accounts for about 80% of the cooling water used. Therefore, the best single index of the thermal pollution potential lies in projecting future electric power production. Power generation has approximately doubled each 10 years during this century, and estimated future demands indicate a shortening of the time span for similar increases. Waste heat output has not multiplied as fast as power generation because of continued improvements in thermal plant efficiency and development of hydropower. However, fossil-fueled plants are reaching a limit of efficiency because of metallurgical restrictions, and nuclear plants, planned or built, necessarily waste an even higher proportion of heat than fossil-fueled plants. Waste heat increase can be expected to more closely parallel power production increase in the foreseeable future.

With these considerations in mind, heat rejection from the predicted mixture of nuclear and fossil power plants is expected to increase almost ninefold by the year 2000. Waste heat output from the manufacturing industries will also increase. However, the demand for electricity is expected to continue to increase at a more pronounced rate than the demand for manufactured goods. This indicates a somewhat smaller rate of increase in heat rejection from manufacturing as compared with the power industry.

Numerous cooling devices—for example, cooling ponds and towers—and cooling techniques—for example, methods of dispersing and diluting warm water discharges—are already being used. Considerable research is being devoted to perfecting these and developing new devices and techniques. Concern for America's energy needs and for our water resources should motivate active Government support for such research.

This seems especially imperative when we consider the facts about America's huge appetite for clean water.

It takes 200 gallons to make a dollar's worth of paper. It takes 100,000 gallons to make one car. It takes 320,000 gallons to produce one ton of aluminum. It takes 750,000 gallons to irrigate an acre of farmland. National water useage is 350 billion gallons a day. Three hundred and fifty billion gallons would form a puddle 1 foot deep over an areas one and a half times the size of the State of Rhode Island.

By the year 2000 we may be using ■ trillion gallons of water a day.

Domestic sewers alone account for 5.3 trillion gallons of waste water per year. One scientist has estimated that by 1980 sewage and related waterborne waste will be so voluminous that in dry seasons they will consume all the oxygen in our river systems. That would severely damage our fresh water resources, escially when we consider that by 1980 we will be using frensh water at twice the current rate.

Much can be done to end pollution by vigorously enforcing existing laws, including some laws that have been around for a very long time.

The Justice Department has recently filed criminal charges against a number of firms—and some individuals—accused of polluting waterways. The charges involve an attempt to use an 1899 law in the modern fight on water pollution. The Refuse Act of 1899 (33 U.S.C. 407) makes the deposit of pollutants into navigable waters a misdemeanor punishable by a maximum fine of $2,500 and a year in prison for each offense.

The punishment provision contains an informer clause which could generate an interesting kind of citizen participation in the antipollution fight. This clause stipulates that half the fines collected are to be given to any citizen whose information leads to a conviction.

But there is another aspect of this law that deserves attention. This is the $2,-500 limit on the fine that can be collected for each offense.

Assume for the moment that a jail sentence is not applicable in a particular case. But also assume that the case involves a firm that discharges pollutants once a day, thereby making itself liable to being recharged under the statute each day.

If this firm were charged—every day of the year, and fined the maximum amount each day, the total 1-year cost to the firm would be $912,000.

This looks like an awesome total—until one considers the huge cost, in capital outlay and maintenance, of some pollution abatement systems. It is not inconceivable that a firm might wish to be fined the maximum amount, 365 days a year, rather than go to the expense of ending pollution.

In such a case, the fine would, in effect, cease to be a fine and would become a kind of tax. The trouble with this is two-fold. First, it would not do what the law intended—it would not diminish pollution. Second, behavior we tax is behavior we think is permissible. If firms are allowed to treat a fine as a tax, they will be allowed to treat pollution as permissible. This cannot be allowed.

Thus there must be a constant review of the punishment provision of such statutes, to make sure the fines are effective inducements to pollution control by industries.

However, the administration recognizes that the task of ending water pollution demands more than vigorous police action. It also requires new knowledge and new equipment. This is especially urgent in attacking pollution caused by inadequate municipal sewage treatment facilities. Here massive capital investment is needed.

Since 1952 the Nation has spent $15 billion to construct 7,500 municipal sewage-treatment plants and related facilities. But much more needs to be done and it needs to be done in large cities. In the 12 years between 1956 and 1968, about half the new waste treatment facilities were built in towns with populations of less than 2,500 and 92 percent were built in towns with populations under 50,000.

In his message to Congress on the environment the President notes:

In the four years since the Clean Waters Restoration Act of 1966 was passed, we have failed to keep our promises to ourselves: Federal appropriations for constructing municipal treatment plants have totaled only about one-third of authorizations.

It is estimated that a 5-year program involving a $10 billion investment in treatment plants and interceptor lines will be needed to meet national water quality standards.

Accordingly, the President proposes a Clean Waters Act involving an immediate $4 billion for fiscal 1971 to cover the full Federal share of the $10 billion total on a matching fund basis.

But another program is needed to insure that non-Federal bodies will be able to meet their obligations.

The municipal bond market is so saturated that in 1969 509 issues totaling $2.9 billion proved unsalable. Thus the President proposes "a new Environmental Financial Authority to insure that every municipality in the country has an opportunity to sell its waste treatment plant construction bonds."

The EFA will buy unsalable bonds and sell its own bonds on the taxable market. In this way the President seeks to insure that "construction of pollution control facilities will depend not on a community's credit rating, but on its waste disposal needs."

The President has also urged that Federal assistance carry some conditions.

First, federally assisted treatment plants must comply with Federal design, operation, and maintenance standards. Second, municipalities receiving Federal assistance in constructing plants will be required to impose user's fees on industrial users. These fees must be sufficient to meet the costs of treating industrial wastes. This is a fair response to existing conditions.

In 1968 public sewers handled 15 percent of the industry's waste water. Forty percent of all the wastes handled by municipalities came from industry.

Three hundred thousand industrial plants discharge used water into municipal sewage treatment plants that are not equipped to process complex industrial pollutants.

As the President says in his environment message:

Industry itself has recognized the problem, and many industrial firms are making vigorous efforts to control their water-borne wastes. But strict standards and strict enforcement are nevertheless necessary—not only to ensure compliance, but also in fairness to those who have voluntarily assumed the often costly burden while their competi-

tors have not. Good neighbors should not be placed at a competitive disadvantage because of their good neighborliness.

The President also proposes to attack industrial pollution by consolidating governmental jurisdictions, imposing more precise and stringent effluent requirements, and strengthening police powers and sanctions.

His program calls for granting the Secretary of the Interior authority to seek immediate injunctive relief in emergency water pollution situations. Under the proposed program, failure to meet Federal standards or implementation schedules could result in court-imposed fines of up to $10,000 per day. Further, the President wants to increase threefold Federal operating grants to State pollution control enforcement agencies in the next 5 years. This would involve an increase from $10 million to $30 million by 1976.

In addition, we need to consider sharply curbing our use of certain kinds of common products that are especially damaging to water. The household detergent is a good example.

No one wants to choose between clean water and clean laundry, but something must be done about phosphates in detergents. Phosphates pollute all water and hasten the aging of lakes.

Five billion pounds of detergent were sold last year. Some of these consisted of as much as 44 percent phosphate. Canada is planning to ban phosphate detergents. It might be well worth our while to have strict standards governing permissible phosphate content of detergents.

Further, we must become more alert to the many ways in which normal activities, and unspectacular developments in business conditions, can combine to create a threat to our environment. Consider one example of this combination. We do not normally think that changing our car's oil threatens the environment. But America's 210,000 service stations must dispose of 350 million gallons of used oil every year. For many years much of this used oil was re-refined and put to work in railroad journals, to freeze-proof coal, as dust control for rural roads and as industrial lubricants.

But for a variety of reasons, re-refining has become a marginal business. In the last 7 years at least half the re-refiners have gone out of business and too much used and unsalable oil is being dumped into city sewer systems.

Research should be directed toward finding ways of collecting and reusing this used oil.

Finally, one crucial fact we sometimes overlook is this: Even in our booming industrial society, siltation is the largest single pollutant of water. Thus all reclamation programs, and all programs aimed at fighting erosion, are important parts of a comprehensive attack on water pollution.

Mr. President, one of Benjamin Franklin's timely sayings is this:

When the well's dry, we know the worth of water.

Today we can revise that to read: When the water is polluted, we will know the worth of water.

Hopefully we already know the worth of water. Certainly we in the West know how much of America's bountiful life depends on adequate supplies of fresh water.

We have no intention of waiting until the America's waters are ruined before we become alert to the value of water. We know it is time to act.

Mr. President, we are not asking for miracles. We are not expecting anyone to turn water into wine. We just want to preserve clean water, and to find ways of restoring polluted waters.

Most of the earth is covered with water. No water is immune from pollution. Thus the fight for clean water is a fight of global proportions, with immense stakes.

But a livable environment—like charity—must begin at home. Let us all work together to save our waters which give such lasting benefits to us all.

Mr. MUSKIE. Mr. President, I ask for the yeas and nays on agreeing to the conference report.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. BELLMON). The question is on agreeing to the conference report.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. BIBLE), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from New Mexico (Mr. MONTOYA), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that the Senator from South Dakota (Mr. MCGOVERN) is absent on official business.

I further announced that if present and voting, the Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. BIBLE), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Maryland (Mr. TYDINGS) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Delaware (Mr. BOGGS), the Senator from New York (Mr. GOODELL), the Senator from Maryland (Mr. MATHIAS), the Senator from California (Mr. MURPHY), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from Kansas (Mr. PEARSON) are detained on official business.

If present and voting, the Senator from Delaware (Mr. BOGGS), the Senator from New York (Mr. GOODELL), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), and the Senator from Illinois (Mr. PERCY) would each vote "yea."

The result was announced—yeas 80, nays 0, as follows:

[No. 108 Leg.]

YEAS—80

Aiken	Fong	Muskie
Allen	Fulbright	Nelson
Allott	Gore	Packwood
Baker	Gravel	Pastore
Bayh	Griffin	Pell
Bellmon	Gurney	Prouty
Bennett	Hansen	Proxmire
Brooke	Harris	Randolph
Burdick	Hart	Ribicoff
Byrd, Va.	Hatfield	Saxbe
Byrd, W. Va.	Holland	Schweiker
Cannon	Hruska	Scott
Case	Hughes	Smith, Ill.
Church	Inouye	Smith, Maine
Cook	Jackson	Sparkman
Cooper	Javits	Spong
Cotton	Jordan, Idaho	Stennis
Cranston	Jordan, N.C.	Stevens
Curtis	Magnuson	Talmadge
Dodd	Mansfield	Thurmond
Dole	McClellan	Tower
Dominick	McGee	Williams, Del.
Eagleton	McIntyre	Williams, N.J.
Eastland	Metcalf	Yarborough
Ellender	Miller	Young, N. Dak.
Ervin	Mondale	Young, Ohio
Fannin	Moss	

NAYS—0

NOT VOTING—20

Anderson	Kennedy	Murphy
Bible	Long	Pearson
Boggs	Mathias	Percy
Goldwater	McCarthy	Russell
Goodell	McGovern	Symington
Hartke	Montoya	Tydings
Hollings	Mundt	

So the conference report was agreed to.

Mr. SPONG. Mr. President, the conference report just adopted establishes a foundation for improving our capability to control oil pollution, vessel pollution, and thermal pollution.

It is gratifying that the Senate concept of absolute liability for the cleanup of oil spills has prevailed in the conference. About 6 billion gallons of petroleum products pass through the Port of Hampton Roads each year, and there have been several spills which damaged the harbor.

The concept of absolute liability places the risk on the responsible party, not innocent third parties and the general public. Provision for criminal penalties for failure to give notice of a spill should expedite cleanup action.

Other desirable features of the oil pollution section of the bill authorize expanded research for the development of new cleanup methods, and contingency planning against oil pollution disasters.

The report takes a preventive approach toward activities over which the Federal Government already exercises a degree of control. Applicants for a Federal license or permit to build or operate any facility which might discharge pollutants into navigable waters would be required to comply with applicable water quality standards. In most instances, the certification would come from the State in which the discharge occurs. These provisions would assure that thermal discharges from such facilities as nuclear

powerplants would conform to water quality standards.

The vessel pollution section provides for Federal preemption of authority to set performance standards for marine sanitation devices. I hope the Department of Defense will expedite its program to equip naval vessels with sewage treatment equipment, and will request the funds necessary to carry out the intention of the legislation.

Mr. President, the Senate conferees are to be commended for their perseverance in reconciling the differences in the Senate and House versions of this legislation. They have been meeting on a regular basis since last October 8. In particular as a member of the Subcommittee on Air and Water Pollution, I wish to thank the Senator from Maine (Mr. MUSKIE), our distinguished chairman, and the ranking minority member the Senator from Delaware (Mr. BOGGS).

Mr. DOLE. Mr. President, I am gratified that the House-Senate conference has agreed on the provisions of H.R. 4148, to prevent and control water pollution.

After the Santa Barbara incident and the more immediate oil spillage in Louisiana, the Congress has moved rapidly to take appropriate legislative action. As statements on the increasing size and use of oil tankers are made available, the threat of greater pollution to our navigable waterways is becoming even more apparent.

Throughout our committee hearings and in the House-Senate conference, it became apparent that there was a wide diversity of views on this legislation. Questions raised on liability and other sections of the legislation have now been resolved. I was particularly pleased to see that the conference accepted a section of (S)(7), which dealt with the problem of the discharge of hazardous substances. The Senate Public Works Committee became aware of the fact that hazardous substances could not be treated as an equivalent of oil and subject to the same provisions of liability for the cost of removal.

Two important differences require that hazardous substances be treated separately: First, oil is a readily recognizable substance that is not miscible with water; hazardous substances, on the other hand, cover a tremendous range of chemical elements and compounds with various characteristics, and, second, oil is at least in most circumstances removable from water; hazardous substances, on the other hand, may or may not be.

Faced with this difficult situation, I offered an amendment to separate hazardous substances from the oil liability provisions to enable a response to the clear problem of the sudden discharge of hazardous substances into our navigable waterways.

The amendment I proposed which, with certain modifications was adopted by the committee and the House-Senate conference, provides essential authority to give this Nation the ability to respond.

I commend the Senate conferees for their dedication during the months of discussion and urge acceptance of this report.

LEGISLATIVE PROGRAM

Mr. SCOTT. Mr. President, would the majority leader tell us the remaining order of business for the remainder of this week and thereafter?

Mr. MANSFIELD. Mr. President, may we have order first?

The PRESIDING OFFICER. The Senate will be in order.

ORDER FOR ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS PACKWOOD AND TOWER TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the prayer tomorrow, the distinguished Senator from Oregon (Mr. PACKWOOD) be recognized for not to exceed 30 minutes, and that, following the Senator from Oregon, the distinguished Senator from Texas (Mr. TOWER) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. MANSFIELD. Following which I ask unanimous consent that there be a period for the transaction of routine morning business as in legislative session, with a time limitation on statements of 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, on the expiration of the period for the transaction of routine morning business, is my understanding correct that the conference report on H.R. 514 will be the pending business?

Mr. MANSFIELD. That is correct.

Mr. President, I wish I could offer some solace to the Members of this body by definitely stating when a vote would be taken on the pending conference report and the Carswell nomination, as well as the prospects for a solution to the postal difficulty which confronts the Nation at this time. Unfortunately, I cannot make a definite statement with respect to any of those spheres. It appears at the present time as if the consideration of the conference report on the elementary and secondary education bill may well go into next week. It appears also at the present time that the consideration of the Carswell nomination may go into next week. I have endeavored to obtain an agreement on both of these matters; so far I have been unsuccessful, but I shall continue trying.

I hope that in the case of both it will be possible, and as far as the joint leadership is concerned, it will be our policy, to give at least 24 hours notice before voting to all Senators so that, no matter where they are, they can get back in plenty of time, and none of them will be so far away that they cannot make it back in plenty of time to conduct the business of the Senate.

As far as the postal situation is concerned, it appears the reports are encouraging today, with many of the postal workers returning.

Mr. SCOTT. With 90 percent of them back on the job.

Mr. MANSFIELD. That is encouraging. I do not know what will happen in Congress insofar as the Post Office and Civil Service Committees of the two Houses are concerned, but I wish to state, and I do so after consultation with the distinguished Republican leader, that if conditions warrant it, the Senate will be prepared to forgo its 2-day Easter recess, and face up to whatever responsibilities the present situation may entail.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. SCOTT. If I could finish, I would say thoughts too deep for tears suffuse me with regard to the majority leader's suggestion: nevertheless, it is a condition and not a theory we are dealing with. I do express some regret that we are uncertain as to how long it will take us to dispose of the conference report which is the pending business. I had had some hope during the day that perhaps we could arrive at some accommodation, but the majority leader indicates there is no present assurance of that.

Mr. MANSFIELD. I have been tried and found wanting.

Mr. SCOTT. The majority leader is never found wanting.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. JAVITS. I think the majority leader may have misspoken himself a little bit as to this 24-hour notice as it relates to our conference report. Did I understand that was to apply after the recess? It could hardly apply if we were to be able to act on the conference report this week.

Mr. MANSFIELD. If something should be worked out for tomorrow, we could vote at 5 o'clock—approximately 24 hours from now. But nothing is presently in prospect. If something happened Thursday, we could notify Senators in plenty of time tomorrow. However, prospects are very dim for that event as well.

I must say it is with deep regret that I make these announcements. I hope we will have something more definite later.

Mr. SCOTT. Mr. President, if the majority leader will yield further, it is my own understanding, from conference with him, that he is expeditious to expedite the business of the Senate, and that includes the nomination before the Senate, and he and I are prepared to do whatever we can to assist in bringing this matter to a vote as early as the Senate is prepared to vote.

Mr. MANSFIELD. Yes, indeed. As the minority leader knows, the Senator from Montana likes nothing better than a clear calendar.

Mr. PELL. Mr. President, will the Senator from Montana yield for a question?

Mr. MANSFIELD. I yield.

Mr. PELL. To follow up the question of the Senator from New York, when the time comes to vote on the conference report, I wonder if the Senator from Montana means we should then wait 24 hours to give notice of the vote on the conference report, or only on the Carswell nomination.

Mr. MANSFIELD. No. I commend the Senator from New York and the Senator from Rhode Island for calling my attention to that possibility. What I meant was the Carswell nomination. As far as the conference report is concerned, I am sure there will be enough guardians on the floor to take care of that matter.

EXTENSION OF PROGRAMS OF ASSISTANCE FOR ELEMENTARY AND SECONDARY EDUCATION—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. ERVIN. Mr. President, one of the wisest men as well as one of the soundest jurists America has ever known was the late Benjamin N. Cardozo, long-time chief judge of the New York Court of Appeals and subsequently an Associate Justice of the Supreme Court of the United States. He wrote a treatise entitled "The Growth of the Law." In that treatise he said:

In breaking one set of shackles, we are not to substitute another.

Ever since May 1954, there has been an effort in some quarters to substitute for the State school segregation outlawed in Brown against Board of Education of the City of Topeka federally coerced integration, especially in the schools of the South. This has been a rather peculiar effort.

Mr. BYRD of West Virginia. Mr. President, we need a little better order in the Senate.

The PRESIDING OFFICER. The Senate will be in order. Senators will take their seats.

Mr. ERVIN. This has been a rather strange effort to be made in a nation which proclaims that it is a free society. We boast of the fact that our ideal, our dream, is that we shall be a land of people who are both equal and free. The effort to substitute federally coerced integration for outlawed State-imposed segregation has been an effort characterized by zeal on the part of certain pressure organizations—and, I might add, certain politicians—which apparently look to converting the American dream of equality and freedom into a nightmare in which all Americans will be made equal only by robbing all of them of their freedom. It has been peculiar in this connection that both the executive branch of the Government and the judicial branch of the Government have joined these pressure groups and these zealots in an attempt to substitute one set of shackles for another, in disregard of the advice of Justice Cardozo.

Some things that have happened are rather marvelous. I offered an amendment some time ago that would have deprived the Federal courts of jurisdiction to require busing of children from one place to another merely to alter the racial composition of the public schools. I was willing to do the only thing that Congress can do to prevent tyranny when that tyranny is practiced by a Federal court.

Someone has said that we should respect all judicial opinions and all judicial decisions. In my judgment, the parties to a judicial decision should obey that decision even though they consider it to be unwise and unconstitutional; but I do not think that any obligation rests upon any American to respect any judicial decision unless that judicial decision is respectable, and candor compels the confession that some judicial decisions are hardly respectable.

In the effort to substitute for outlawed State-imposed segregation federally coerced integration, or forced integration, some peculiar things have happened, even at the hands of men who, in the words of Edmund Burke, were charged with the obligation to act with the cold neutrality of the impartial judge.

In 1964, following the Brown case, Congress undertook to implement the interpretation placed upon the equal-protection clause of the 14th amendment by the Supreme Court. It passed a statute which defined desegregation of schools in the same fashion in which the Brown case had defined such term. It declared that desegregation shall mean the assignment of students to public schools without regard to their race, color, creed, or national origin. Then, to make its action clear beyond any shadow of a doubt, Congress placed a limitation in express words upon the meaning of the term "desegregation." After declaring what desegregation should be—that is, the assignment of students to public schools without regard to their race—it proceeded, in the second clause of the same paragraph, to say what desegregation should not be. In specifying this limitation upon the meaning of the word "desegregation," Congress declared that desegregation shall not be the assignment of children to public schools to overcome a racial imbalance.

The same act, the Civil Rights Act of 1964, contained another limitation upon what could be done by the executive department of the Government and what could be done by the Federal courts; and it stated, in words as plain as can be found in the English language, that no officer or court of the United States should transport children from one place to another, or from one school to another school, or from one school district to another school district, for the purpose of achieving racial balance. When Congress adopted that act, it said in about as emphatic a fashion as possible that the act should apply to all areas of the United States, that it should apply to the North and to the South, to the East and to the West. It did this not by stating that in those precise words, but, in passing a law which was to be applicable throughout the entire country.

Now, one of the strange things that happened in this connection was the celebrated decision—in fact, I would say a most notorious case—that would come nearer to describing it—the decision handed down by Circuit Judges Wisdom and Thornberry, with District Judge Cox dissenting, which is cited ordinarily as United States against Jefferson County Board of Education.

This is the strangest decision on statutory construction my eyes have ever beheld—and I have been reading law books for more than a half century—considerably longer than that.

The fundamental canon of statutory construction which every judge is bound to observe and the one having primacy and priority over all others is that when a legislative body passes a law, the law means exactly what it says if it is couched in language which is understandable.

Here was an act of Congress which according to its language, according to its terms, according to its clearly expressed intent, and according to the words of those who had charge of the bill during its consideration by the House of Representatives and the Senate, applied to every area of the United States, just as all the laws should apply in like manner to all persons.

Yet, in this case of the United States against Jefferson County Board of Education, we had a strange method of statutory construction followed which, so far as I know, was without precedent in the annals of Anglo-American jurisprudence.

The majority of the court consisted of Circuit Judge Wisdom, who wrote the opinion, and Circuit Judge Thornberry, who concurred in Judge Wisdom's opinion. The majority held that a remark which Hubert Humphrey, the floor manager of the bill, made when it was under consideration by the Senate altered entirely the meaning of the two limitations which the bill placed upon the desegregation of schools. This remark made it known in some strange way that those two limitations were to be applied to the North, the East, and the West but were inapplicable to the South.

Now, during the time that the bill was under consideration in the Senate, as the CONGRESSIONAL RECORD will clearly disclose, Senator Humphrey, the floor manager of the bill, was asked on a number of occasions what the bill was designed to do insofar as school desegregation was concerned. He uniformly replied that the bill was designed merely to prohibit discrimination; that is, to prohibit a State agency from denying a schoolchild admission to a public school because of the child's race or color.

On each of these occasions he stated that the bill was not designed to compel integration.

In responding to these questions, he referred to various decisions of law in Federal courts, such as the original Brown case itself, and the Clarendon County case which was considered by the court and decided with the Brown case. He also referred to a case which had

March 25, 1970

Sen. Church praised the objectives of S3223, to regulate freight car use, and inserted his testimony given before the Commerce Subcommittee. p. S4467

HOUSE

4. WATER POLLUTION. Agreed to the Conference report on H.R. 4148, to amend the Federal Water Pollution Control Act; the bill now goes to the President. pp. H2464-2473

5. TEXTILE, IMPORTS. Rep. Boland discussed the developing crisis in international trade and inserted a report covering the effect of imports on the electronic, shoe, and textile industries. pp. H2508-2513

6. LEGISLATIVE PROGRAM. Rep. Albert announced that there would be no Easter recess. p. H2474

EXTENSION OF REMARKS

7. FARMERS. Mr. Obey inserted an article "which points out ties which truly exist between farmers and worker, those in our rural and those in urban areas". pp. E2491-2

8. GRAIN ALCOHOL. Rep. Kleppee inserted statements favoring use of grain alcohol mixed with gasoline for clean burning motor fuel to cut pollution and farm surpluses. pp. E2496-8

9. POLLUTION. Rep. Brown, Cal., articles on pollution from Sacramento children, "What Happened to the Beautiful America". pp. E2480-3

CONTINUATION OF RECORD NO. 46 FOR ACTIONS OF MARCH 24, 1970

HOUSE

10. TEXTILES, IMPORTS. Rep. Mann stated that continuation of textile import policies will do irreparable harm to the domestic industry and he inserted a newspaper article on the problem of plant closings in the South. pp. H2375-76

Rep. Dorn inserted the reply of the Informal Textile Committee of the House to a communication from the representative of the Japanese Special Committee on Textiles. pp. H2436-37

11. FARM SUBSIDIES. Rep. Lowenstein expressed support for a limitation on farm subsidy payments and inserted a listing of all recipients of payments of $25,000 or more. pp. H2389, H2423

Rep. Findley stated his intention to offer an amendment to the farm bill fixing a limit of $20,000 on subsidy payments. pp. H2437-38

12. RURAL DEVELOPMENT. Rep. Price discussed the highlights of the report of the Task Force on Rural Development and listed the names of the members of the presidential group. pp. H2423-24

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

For actions of March 24 and 25, 1970
91st-2nd; No. 46 and 47

CONTENTS

Catfish farming.....15
Crop inspection.....21
Education.....1
Environment.....14
Farm bill.....11
Farmers.....7
Farm program.....20
Farm subsidies.....11
Food Costs.....17
Freight car shortage.....3
Grain alcohol.....8
Housing.....19
Imports.....5,10
Land use planning.....24
Land utilization.....23
Legislative program.....6
Manpower.....2
Parity.....13
Pollution.....9
Population.....18
Rural development.....12
Stream preservation.....16
Tea.....22
Textiles.....5,10
Water pollution.....4

HIGHLIGHTS: House agreed to conference report on H. R. 4148, Water Pollution Control Act of 1970. Ready for President.

SENATE - MARCH 25

1. EDUCATION. Continued debate on the conference report on HR 514, to extend programs of assistance for elementary and secondary education.
pp. S4473-74, S4477-81, S4493-4501

2. MANPOWER. Received the President's Manpower Report; referred to Committee on Labor & Public Welfare. p. S4505

3. FREIGHT CAR SHORTAGE. Committee on Commerce heard testimony from Secretary Hardin on the Freight Car Shortage. p. D286

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Akron, Ohio. I point this out to the Members to show how the idea of our legislative inferiority is so ingrained in the minds of so many people in the country.

Listen to what he says:

We are not completely satisfied with the bill—

Referring to the welfare bill—

in all respects. However, we believe that this bill should be passed by the House at this time in order that it may be debated fully in the United States Senate, where an opportunity to amend its objectionable portions might be forthcoming. We urge your complete and wholehearted support of this important legislation.

Get that again, the idea that we support legislation in this House that our constituents think is not exactly what it should be, and we get it out of the way and then we send it to the other deliberative body. They then can do what needs to be done by amendment on the Senate floor, decide whether they want to add to it or subtract from it, or whatever their thought might be.

So there are many people in this country who believe today that the other body is the deliberative body. This is an innocent presumption from this particular person, and it reaffirms my conviction that we should reform some of our House rules and make this the kind of deliberative body it should be.

AUTHORIZING PRINTING OF REPORT OF PROCEEDINGS OF 44TH BIENNIAL MEETING OF CONVENTION OF AMERICAN INSTRUCTORS OF THE DEAF

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91–964) on the Senate concurrent resolution (S. Con. Res. 47) authorizing the printing of the report of the proceedings of the 44th biennial meeting of the Convention of American Instructors of the Deaf as a Senate document, and ask for immediate consideration of the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 47

Resolved by the Senate (the House of Representatives concurring), That the report of the proceedings of the forty-fourth biennial meeting of the Convention of American Instructors of the Deaf, held in Berkeley, California, June 20–27, 1969, be printed with illustrations as a Senate document; and that five thousand additional copies be printed and bound for the use of the Joint Committee on Printing.

Mr. DENT (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the Senate concurrent resolution be dispensed with, and that it be printed in the RECORD.

The SPEAKER pro tempore (Mr. EDMONDSON). Without objection, it is so ordered.

There was no objection.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF ADDITIONAL COPIES OF 1969 REPORT OF SENATE SPECIAL SUBCOMMITTEE ON INDIAN EDUCATION

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91–965) on the Senate concurrent resolution (S. Con. Res. 50), authorizing the printing of additional copies of the 1969 report of the Senate Special Subcommittee on Indian Education (Sen. Rept. No. 91–501), and ask for immediate consideration of the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 50

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on Labor and Public Welfare three thousand additional copies of the 1969 report of its Special Subcommittee on Indian Education entitled "American Indian Education: A National Tragedy—A National Challenge" (Senate Report 91–501).

Mr. DENT (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the Senate concurrent resolution be dispensed with and that it be printed in the RECORD.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF COMPILATION ENTITLED "PLANNING-PROGRAMMING-BUDGETING"

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91–966) on the Senate concurrent resolution (S. Con. Res. 52) authorizing the printing of a compilation of the hearings, reports, and committee prints of the Senate Subcommittee on National Security and International Operations entitled "Planning-Programing-Budgeting," and ask for immediate consideration of the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution as follows:

S. CON. RES. 52

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on Government Operations three thousand copies of a compilation of the hearings, reports, and committee prints of its Subcommittee on National Security and International Operations entitled "Planning-Programming-Budgeting", issued during the Ninetieth Congress and the first session of the Ninety-first Congress.

Mr. DENT (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the Senate concurrent resolution be dispensed with and that it be printed in the RECORD.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF "NATIONAL ESTUARINE POLLUTION STUDY" AS A SENATE DOCUMENT

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91–967) on the Senate concurrent resolution (S. Con. Res. 53) authorizing the printing of the "National Estuarine Pollution Study" as a Senate document, and ask for immediate consideration of the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution as follows:

S. CON. RES. 53

Resolved by the Senate (the House of Representatives concurring), That there be printed as a Senate document, in one volume, with illustrations, the National Estuarine Pollution Study, submitted to the Congress by the Federal Water Pollution Control Administration, Department of the Interior, in accordance with section 5(g)(3), Public Law 89–753, Clean Water Restoration Act of 1966, and that there be printed three thousand five hundred additional copies of such document, of which two thousand five hundred copies shall be for the use of the Senate Committee on Public Works and one thousand copies shall be for the use of the House Committee on Public Works.

Mr. DENT (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the Senate concurrent resolution be dispensed with and that it be printed in the RECORD.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF ADDITIONAL COPIES OF REPORT ENTITLED "ORGANIZED CRIME CONTROL ACT OF 1969"

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91–968) on the Senate concurrent resolution (S. Con. Res. 55) authorizing the printing of additional copies of Senate Report 91–617, entitled "Organized Crime Control Act of 1969," and ask for immediate consideration of the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution as follows:

S. CON. RES. 55

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on the Judiciary one thousand two hundred additional copies of its report of the current Congress entitled "Organized Crime Control Act of 1969" (Senate Report 91–617).

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF ADDITIONAL COPIES OF "REPORT OF THE JOINT ECONOMIC COMMITTEE"

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91–969) on the resolution (H. Res. 890) authorizing the printing of additional copies of the "Report of the Joint Economic Committee" and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 890

Resolved, That there be printed for the use of the Joint Economic Committee four thousand five hundred additional copies of its report to the Ninety-first Congress, second session, entitled "Report of the Joint Economic Committee on the January 1970 Economic Report of the President, Together With Statement of Committee Agreement, Minority, Supplementary, and Dissenting Views," pursuant to section 5(b)(3) of Public Law 304, Seventy-ninth Congress, as amended.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 4148, WATER QUALITY IMPROVEMENT ACT OF 1970

Mr. FALLON. Mr. Speaker, I call up the conference report on the bill (H.R. 4148) to amend the Federal Water Pollution Control Act, as amended, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER (Mr. EDMONDSON). Is there objection to the request of the gentleman from Maryland?

Mr. HALL. Mr. Speaker, reserving the right to object, are we going to have an explanation of the Senate action on this joint conference?

Mr. FALLON. Yes.

Mr. HALL. I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The clerk read the statement.

(For conference report and statement, see proceedings of the House of March 24, 1970.)

Mr. FALLON. I yield to the gentleman from Minnesota (Mr. BLATNIK).

(Mr. BLATNIK asked and was given permission to revise and extend his remarks.)

Mr. BLATNIK. Mr. Speaker, for many years I have risen in the well of this House to urge support of a meaningful water pollution program and over the years this House has consistently supported an ever-increasing and more far-reaching legislation to cover the means to guarantee pure water for all Americans.

I appear here on this floor today to urge adoption of the conference report on H.R. 4148. This is legislation which is another great step forward in our continuing battle to maintain the purity of our Nation's waters.

There are not many pieces of legislation which one can call "landmark" legislation. H.R. 4148 is in that category. It comes to this body for final approval today after some 2½ years or arduous work by both bodies of the Congress.

This conference report has been hammered out after long weeks and months of discussions in conference. It breaks into many new fields in our effort to curb the ever-growing threat of the pollution of our Nation's waters whether they be along our coast or inland waterways.

It contains such features as control of pollution by oil. It establishes for the first time in this category a clean-up authority; it also places strict features of liability on those who would ship oil. In the matter of vessels it establishes a category of $100 per gross ton or $14 million liability whichever is the lesser and in the field of on-shore and off-shore installations the figure is $8 million.

It moves into the area of operation of the small boat owners who move across our Nation's waterways in ever increasing thousands. It provides the basis for a meaningful control of pollution discharge from these vessels under the rules and regulations to be worked out jointly by the U.S. Coast Guard and the Secretary of the Interior.

For the first time it establishes a requirement that when those who seek a license or permit from a Federal agency for the use of our Nation's waters whether it be to build nuclear power plants, steam powerplants or any other uses of our navigable waters they must give reasonable assurances that the operation of whatever they seek to require a permit for, will not lower the water pollution standards of the waters of a particular State. It goes into the field of acid mine drainage research, pollution control in the Great Lakes, land acquisition for field laboratories for the studying of various forms of pollution; oil pollution removal research; extension of the basic research authorization program now in existing law; a clean lakes research section; language to require development of scientific knowledge on the effects of pesticides in the environment, a pilot training program and an additional program to give those who would operate our Nation's sanitary facilities the best background and experience to carry out the job for staffing for our all important Council on Environmental Quality. These, among many, are the highlights of this legislation. I could go on at length about its many features. Time does not permit. Suffice to say that today this is vital, necessary and important legislation. I am proud to have been a part of its development both in the Committee on Public Works and on the conference with the other body. I am particularly proud of my fellow conferees, the gentleman from Alabama (Mr. JONES); the gentleman from Texas (Mr. WRIGHT); the gentleman from Maryland (Mr. FALLON); our distinguished chairman of the Committee on Public Works; the ranking member of the committee, the gentleman from Florida (Mr. CRAMER); the gentleman from Ohio (Mr. HARSHA); and the gentleman from New York (Mr. GROVER).

I strongly support adoption of the conference report.

We had splendid cooperation from all the Members and especially splendid cooperation from the gentleman from Ohio (Mr. HARSHA). He is a tireless, persistent worker who wants to know about every dot and comma.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman's statement, and I agree with him that this is landmark legislation, and certainly it is needed. I join with the gentleman in complimenting the Members who have brought this conference report into being and certainly compliment the members of the committee.

Mr. Speaker, would the gentleman please tell us wherein the Senate amendments differ from the House-passed legislation and the differences in cost authorized in this bill?

Mr. BLATNIK. Mr. Speaker, I do not have the figures here, but we have a detailed analysis of the figures and it will appear in the RECORD at this point.

H.R. 4148 (AS PASSED THE HOUSE)—AUTHORIZED APPROPRIATIONS

Item	Section identification	1970	1971	1972	Total amount
Cleanup revolving fund	17(h)(1)	$20,000,000			$20,000,000
Acid mine drainage reserve	19(d)(1)	15,000,000			15,000,000
Training grants and contracts	23(c)(3)	12,000,000	$25,000,000	$25,000,000	62,000,000
Estuary research extension	5(k)(4)	1,000,000			1,000,000
General research investigation and training extention.	5(1)	65,000,000	62,000,000		130,000,000
Project research extension	6(e)	60,000,000	60,000,000		120,000,000
Pollution control. Great Lakes					20,000,000
Total		173,000,000	150,000,000	25,000,000	368,000,000

S. 7 (as passed the Senate) authorized the following appropriations

Clean up revolving fund	$50,000,000
Acid mine drainage reserve	15,000,000
Pollution Control in the Great Lakes	20,000,000
Estaurine Study	1,000,000
General research ($65 million for 2 years)	130,000,000
Manpower (2 year)	71,000,000
Project research extension ($60 million for 2 years)	120,000,000
	407,500,000
Alaska Village Water Supply and Sanitation	5,000,000
Total	412,500,000

AUTHORIZATIONS CONTAINED IN CONFERENCE REPORT ON H.R. 4148

	Authorized			
	No fiscal year specified	For specified fiscal years: Amount	Fiscal year	Section total
Oil pollution revolving fund, sec. 11(k)	$35,000,000			$35,000,000
Area acid, sec. 14(d)	15,000,000			15,000,000
Great Lakes, sec. 15(c)	20,000,000			20,000,000
Training, sec. 19(3)		$12,000,000	1970	
		25,000,000	1971	
		25,000,000	1972	62,000,000
Alaska demonstrations sec. 20(a)	1,000,000			1,000,000
Research etc., sec. 105(1) (existing sec. 5):				
Sec. (g)(4) redesignated (m)(4)		1,000,000	1970	
		1,000,000	1971	2,000,000
Sec. (h) redesignated (n)		72,500,000	1970	
R. & D. grants, sec. 106 amending—		$75,000,000	1971	$147,500,000
Sec. 6(e)(1)		20,000,000	1970	
		20,000,000	1971	40,000,000
Sec. 6(e)(2)		20,000,000	1970	
		20,000,000	1971	40,000,000
Sec. 6(e)(3)		20,000,000	1970	
		20,000,000	1971	40,000,000
Title II, sec. 205		750,000	1971	
		1,250,000	1972	
		1,500,000	1973	3,500,000
Total				406,000,000

Mr. Speaker, the total cost for the provisions of this conference report amount to $406 million. That compares to the House version which asked for a total of $368 million, so it is about $58 million more than the House version. The Senate version, as I recall, was higher and we will get the exact figures. I think we worked out a pretty good compromise figure.

Mr. HARSHA. Mr. Speaker, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from Ohio.

Mr. HARSHA. Mr. Speaker, I would point out in reply to the gentleman from Missouri that in the House bill the revolving fund on oil pollution authorized the expenditure of $20 million, and the Senate asked for $50 million, and we compromised there on $35 million. In addition to that, the Alaska demonstration projects were not included in the House version. The Senate bill called for $5 million for 1970 and unlimited sums for the next 3 years. In addition to that, we agreed to a Senate training amendment adding an additional $17.5 million to that area.

But, in title II, which deals with the Environmental Quality Council and establishment of the Director of Environmental Quality, once more the House bill had no comparable provisions, and we compromised the House version with the Senate version and came up with title II in the conference report which has an authorized expenditure of $3.5 million. There was one other item of research of an additional $1 million. This makes a total increase over the House-passed version of $38 million.

The House-passed version, if I am not mistaken, totaled $368 million.

Mr. HALL. Mr. Speaker, I thank the gentleman.

If the gentleman will yield further, may I be reassured that all the conferees agreed and that the changes to the House version would be considered germane within the rules of the House?

Mr. BLATNIK. Yes. As far as I know, they are germane within the rules of the House.

Mr. Speaker, I thank the gentleman for the very thoughtful and generous expression regarding the work on this report.

(Mr. CRAMER (at the request of Mr. HARSHA) was granted permission to extend his remarks at this point in the RECORD.)

Mr. CRAMER. Mr. Speaker, the great American Poet John Greenleaf Whittier wrote:

For of all sad words of tongue or pen, the saddest are these: It might have been!

The conference report we have before us is a good illustration of both the truth of these words on the one hand and the opposite of them on the other hand; for part of what "might have been" would in this case indeed have been very, very sad, but what will be is, as a result of much hard work, much happier.

The Water Quality Improvement Act of 1970 was able, as a result of diligent study and as a result of sad experience, to improve many areas of the Water Quality Improvement Act of 1968, which this House twice passed in that year and which died awaiting Senate action when the 90th Congress came to a close.

An illustration of this, Mr. Speaker, may be found in section 102 of the conference substitute. This section deals with the control of oil pollution. In 1968 the House of Representatives refused to acquiesce to a Senate amendment that would have placed a $5 million limitation of liability on discharges from offshore facilities. Members of this body, and I am proud to say that I was among the leaders of them, refused to give such an obvious bonanza to oil companies operating under leases with the U.S. Government for the purpose of utilizing U.S. submerged lands on the Outer Continental Shelf to produce oil. We pointed out that there was no reason to limit the liability of those facilities. That the Secretary of Interior had the power to impose any limitations that he sees fit, including, but not limited to, absolute liability and responsibility for the full payment of clean-up costs in case of a spill. Would the change from the Johnson administration to the Nixon administration the change in regulations took place so that oil companies engaged in offshore drilling under lease by the U.S. Government were made so liable and so responsible.

If we had accepted the Senate version then these wells including that responsible for the spill in Louisiana would have been liable for not more than $5 million worth of damage. I do not know but I believe that the instances of Santa Barbara and the recent spill on the gulf off Louisiana may have resulted in a change of position upon the part of the other body. Insofar as onshore facilities or offshore facilities, which are within State jurisdiction, our investigation showed that $8 million was a reasonable limitation of liability. But it should be born in mind that this limitation of liability is solely for cleanup costs by the United States and does not proport to limit liability that might be imposed by State law or that exists under common law. Comparing then our position of today with the position that would have resulted if this body agreed in 1968 to the arbitrary limits inserted in the Senate bill, the wisdom or action at that time is magnified and confirmed. Similarly, in the area of vessel pollution, we have been able to derive a formula that is better than the 1968 bill, that is better than the Senate version of H.R. 4148, and indeed is better than the House version of H.R. 4148. In this, I feel particularly proud that as a member of the conference committee. I was able to bring directly to the attention of the conferees the benefits of lessions learned from the deplorable incident that took place in Tampa Bay when the Greek tanker, the *Delian Appolon,* spilled oil into our waters and upon our beaches. Directly as a result of this spill, I proposed several amendments, most of which were accepted—one of which was not.

The *Delian Appolon* spill demonstrated that our resources have not been gathered together for the prevention of damage when a spill does occur. It highlighted the lack of an effective contingency plan and led me to believe that whatever plan did exist was nothing more than a paper exercise, now outdated and of little practical use. As a result, my amendment which was adopted requires the President to develop a national contingency plan within 60 days. This plan provides for a complete guide to what should be done in case of oil spills and what should be on hand to minimize damage from oil spills, contain them and clean up the oil from

our waters, our shorelines, and our beaches. It provides for a designation of a strike force to go in immediately and stop the damage wherever it can. It provides for designation for equipment that should be kept on hand recognizing that this equipment will vary from location to location. Further, it requires a schedule of the waters of this country to indicate which of them can safely be subjected to chemical treatment of oil spills for the purpose of disbursing or making more sinkable the oil and which cannot. The schedule will also make quite clear what limits and which disbursants may be used. In case of doubt, the schedule, of course, may need to provide that the wisdom of an on-the-scene expert to be designated by the President must be drawn upon before which such chemicals can be used. The important thing is that the on-the-scene people will know which chemicals can be used, which cannot, and which waters would be so deleteriously affected by chemical treatment that the protection of the ecology demanded that such treatment would not be used.

Strange as it may seem, Mr. Speaker, after all our experience with oil spills very little is known about the theory of containment of oil spills and very few really effective devices have been developed. I am happy to see that there is some private research being conducted in this area and I think those that are doing it should be complimented for it. However, I feel that this is an area in which leadership should be exercised by the United States and, consequently, have offered an amendment which the conferees accepted. It would require research by the United States or its designee for the development of containment devices and procedures.

The Tampa Bay oil spill, caused by a vessel which just a few days earlier had polluted the waters of Port Everglades, Fla., and which may indeed have been involved in another spill just a few days after the Tampa incident, illustrated the need for inspection of vessels as a means of prevention of oil spills. The conferees accepted my amendment which provided for this inspection of vessels and cargo. I regret to say that they did not accept the portion of this amendment—which, incidently, as were the other amendments offered in this regard approved by the administration—was not accepted. This would have permitted samples to be taken from oil cargos so that in case of spills identification could be made from the spill material as to its source. I feel that it is unfortunate that this provision was stricken and hope that perhaps in the future we can revise the statute to include such a provision provided, of course, that the Secretary of Interior or the Secretary of the Department in which the Coast Guard is operating does not have that authority under some other law.

There are three examples as just stated whereby what came to pass was better than what might have been if the United States had accepted the Senate's amendments in 1968.

In the area of pollution by oil spills from vessels, I might say that the conference substitute is better than either the House bill or the Senate bill. As the Members of this body will recall, the position of this body was that limitations of liability and imposition of liability should not be such as to preclude the possibility of recovery of clean-up costs from the discharger. We felt that the guage of this liability should be whether or not insurance could be obtained to cover these events. Consequently, the House bill provided for limitations of liability for vessels based upon an evaluation of the world insurance market for this new type of risk. The Senate position was based upon figures for which we could find no substantiation in their hearings and which we were assured were completely uninsurable.

Both Houses recognized the difficulty of proving fault as the basis of recovery. The House solved this problem by providing for reversal of burden of proof while the Senate came to the same result by defining liability not based upon fault.

The conference was able to work out a compromise accepting the best features of both the House and the Senate positions. We arrived at a limitation of liability based on what we call strict liability. That is, regardless of fault and with certain very limited exceptions the discharger of oil will be liable. His limitation of liability would be $100 per gross ton or $14 million, whichever is higher. This figure incidentally is twice the amount paid in the *Torrey Canyon* case. In the case of cleanup necessitated as a result of a willful spill or of a negligent spill, the benefits of limitations of liability would be removed and where the privity and knowledge of the owner of the vessel was involved he would be required to pay the full costs for cleanup.

This position is stronger than the original Senate position because it is workable and is insurable. It is stronger than the original House position because it covers more situations where spills do damage. Indeed, it is even stronger than the proposed convention drafted by the International Maritime Consultive Organization—IMCO—which was drafted last November and signed by the United States. That convention, replete with legal devices by which the discharger could forestall payment, provides a total liability to third parties as well as for cleanup costs of $124 per ton. Our position limits liability only in the matter of cleanup costs to be returned to the U.S. Government at $100. If there are charges that another government would wish to make, say in the case of a spill that involved both the United States and Canada, or if there are charges or damages due to third parties under admiralty law or common law, these would be in addition and would not be subject to our limitation of liability.

Now, Mr. Speaker, one point I wish to emphasize to this body is that the American public has been deceived, perhaps unwittingly, primarily by press reports which have appeared purporting to describe the effects of this bill. They say that it would charge the oil companies for cleanup. In the case of discharges from vessels other than those owned by oil companies—and this, I understand, is usually the case—there would be no charge to the oil company at all. The entire charge would be against the ship or the owner of the vessel.

This appeared to me to be inequitable. After all, if the cargo is such as to require higher cleanup costs because of its nature—for example a bunker "C" oil which is thick and sticky—it would seem reasonable that the oil company should pay the cost. I, therefore, offered an amendment to the conference which would have made the cargo of oil as well as the ship liable for oil spills. It is unfortunate that the conferees saw fit not to accept my proposal. I think it would have had a salutary effect upon the choice of vessels made by oil companies choosing to ship their cargoes by waters.

It seems that oil cargoes despite the hazard they pose to our beaches and waters were very difficult to touch. The conferees refused to agree to make the oil cargo liable for the damage they caused, they refused to permit samples of the cargo to be taken, and removed a provision in the House bill which would make the expense of removing a vessel which poses a substantial threat of a pollution hazard chargeable against the cargo of the vessel as well as the vessel itself even though this has been done against a dangerous chlorine cargo when it threatened the Mississippi area. So that in three instances where it would have been possible to charge the oil companies rather than the vessels the conference refused to do it. I wish to make it clear, however, that my personal view was not in agreement with the result of the conference report in that area. I wish to make it equally clear, however, that aside from those provisions I believe that the conference has come up with the best possible solution at this time to the oil pollution question. I feel gratified that the conferees so readily accepted the amendments I proposed following the Tampa Bay incident.

Another amendment the conferees accepted, which came to pass as a result of the Tampa Bay spill, dealt with that of notice. Both Houses required that immediate notice be given in case of a spill by the person in charge of a vessel or of an onshore or offshore facility as soon as he has knowledge of any discharge of oil. Both Houses considered it proper that this should be a criminal penalty for we could imagine no more vile conduct than that of a person knowingly refusing to report an oil spill which could cause so much damage if left unattended, but which hopefully, if notice were given in time, would result in mitigation and containment of that damage. So I emphasize that this is a criminal penalty. Such a person, if arrested, will be put through the same procedures that any other person suspected of committing a Federal crime would be put through. As a result of the Tampa Bay experience, the conferees concluded that a stiff penalty of a $10,000 fine or a year in jail or both would be imposed. This is twice the fine heretofore considered.

In all these regards relating to oil spill control and prevention, Mr. Speak-

er, I am convinced that we have benefited by the experiences that have befallen us. It is unfortunate that we did not have those provisions of the 1968 legislation in effect that would have provided for Federal cleanup in the case of the oil spills we have suffered, but this provision as well as many other beneficial provisions died when the other body refused then to see the wisdom or point of view at that time—a point of view which they now accept and have adopted.

However, illustrating the wisdom of the poet's words, I would like to invite the attention of this body to the sad "it might have been" if the 1968 bill had not been permitted by the Senate to die without final action. That bill would have provided an alternate means of financing the construction costs of sewage treatment plants. If it had passed, I doubt whether it would have been necessary now for the President to request legislation which is essentially similar to that which passed both Houses of Congress in 1968. Indeed, the contract authority that it would have provided for the construction of sewage treatment plants would have been in use and would have resulted in construction of sewage treatment facilities based upon a Federal participation of $1 billion for this fiscal year. Mr. Speaker, "it might have been."

Whether the 1968 act passed or not at least one portion of the new legislation would have been necessary. I point to this with particular pride because I introduced it into the House. The Committee on Public Works adopted it without change and the conference committee also accepted this provision as I have written it and that is the training provisions. Recognizing that water treatment and waste water treatment whether from human or industrial or agricultural or any other source of waste cannot be accomplished unless we have a trained cadre of qualified personnel from the operating and maintenance level on up through the postgraduate levels, I introduced a bill that would make it possible for many people who cannot now afford to undertake the studies necessary for training themselves in the water quality control field to do so. Without this training, no matter how much money we authorize, no matter how much money we appropriate, we will not—and I repeat this for emphasis—we will not be able to clean up the waters. We must have trained personnel, and this provision of the new bill does this. As I say, Mr. Speaker, I am very proud of it.

There are many other areas of this bill which are an improvement over the 1968 version. We have the provision resulting from the floor amendment of my good friend from Ohio providing for pollution control in the Great Lakes. We have taken into account as a result of a Senate floor amendment the unhappy and insanitary conditions resulting from the lack of proper water supply and sewage disposal facilities among the native villages of Alaska. We have what I believe to be a workable version of the certification provisions which would require an applicant for a Federal license to receive a certification from the States that the activity for which the application is made would not violate water quality standards.

As the Members will recall, this certification provision originally appeared very late in 1968 before there was any real chance of studying it.

There has been opportunity to study this matter and I believe that the provisions now contained are reasonable, workable, and will result in protection to our water environment without crippling our progress.

In short, Mr. Speaker, I believe that Congress has made good use of the time necessitated by the delay brought about when S. 3206 was left high and dry at the end of the 90th Congress. There are some things that we would have benefited by if the other body had been as perceptive as the Members of this body. Nevertheless, there is little use crying over spilled milk and I believe rather than doing so we are in a position to be proud of the work that has resulted in H.R. 4148, the Water Quality Improvement Act of 1970.

Mr. HARSHA. Mr. Speaker, will the gentleman yield?

Mr. BLATNIK. I yield to the very distinguished member of the conference, the gentleman from Ohio (Mr. HARSHA).

(Mr. HARSHA asked and was given permission to revise and extend his remarks.)

Mr. HARSHA. Mr. Speaker, the conference report before us on the Water Quality Improvement Act of 1970 is the result of many months of effort upon the part of the Members of both Houses and their staffs. It deals with a wide variety of subjects, each of which is intensely complicated in its own right.

In each case, the area was explored to the fullest. Experts on all sides were consulted and their views given the weight they merit. The position of the conferees on each subject indeed on each sentence and on every word was carefully considered in the light of the evidence that we had before us.

For example, the oil pollution provisions were extremely difficult to resolve because they affected directly our merchant marine, concepts of admirality law, the American insurance market, the overseas insurance market, the balance of payments, our international relations, the economy, small business, onshore and offshore oil facilities, research provisions, vessel inspection requirements, requirements that vessels will carry oil spill containment equipment as well as the predominant consideration of the protection of our ecology. It was only after diligent effort that these difficulties were resolved and that agreement to the conference report by the conferees was reached. Incidentally, I should like to invite the attention of the House to an error that appears on page 31 of the conference report. The first word of the second line as printed is "submarginal." That word should be "submerged" so that the phrase reads "Submerged Lands Act of 1953."

This report has been in conference since October. Some believe that the length of time spent on it was due to lack of agreement among the conferees. This view could only be supported by those unfamiliar with the wide range of the bill's content.

In the area of vessel pollution, we provided the first Federal water quality legislation to affect vessel owners directly and which will result eventually in Federal standards applicable to all vessels to control the discharge of human wastes from them. It also will preempt State laws and regulations in the future and create uniformity between the States so that vessels will be able to pass from one State to another unhindered while at the same time preventing any discharge of untreated or inadequately treated sewage into those waters. In this area, Mr. Speaker, the questions of vessel construction, of small boat use of availability of shore base facilities for servicing of all vessels, availability of marine sanitation equipment, the condition of the waterways of the Nation, and specialized State laws and requirements had to be studied and considered with care.

Another area of great complexity is that covered by section 21—certification by the States to Federal agencies in cases where application has been made for Federal licenses or permits. That certification must come from the States unless, of course, the waters involved are under the direct supervision of the Federal Government or there is no State certifying authority. In those cases, the Secretary of Interior will be the certifying authority. In order to evaluate this law properly, every area of Federal licensing and permit procedure had to be examined to determine its special problems and to eliminate the possibility of overlooking important considerations in any specific area. It is under this provision that the questions of control of potential effects of heat discharged into the waters through heated effluents are dealt with. The complexities of that question are well known to the Members of this body. At the other end of the spectrum came permits such as those required for the building of small outfalls which present minimal potential for pollution, but nevertheless, must be considered.

In that same section 21, we reenforce by statute previously expressed Presidential policy to control water pollution by requiring compliance with quality standards by Federal facilities.

Another area that was investigated thoroughly by the conference committee was that of how properly to recognize industrial organizations and political subdivisions which have demonstrated outstanding technological achievement in waste treatment and pollution abatement programs while assuring such recognition could not be abused.

We evaluated once again the very complicated area of training of personnel of all types for the operating of waste treatment plants as well for their design and research for new methods to solve our water quality problems.

We dealt with the complex problem of the staffing to be provided to support the Council on Environmental Quality and investigated the type and quantity of personnel that they would need to be effective.

The question of the control of hazard-

ous polluting substances other than oil led us to an exploration of the manufacturing industry of the United States, including the process industries and chemical industries. We thus provided for designation of such substances after suitable determination and investigation by the President.

The question of area acid and mine water pollution control demonstrations brought us into another field of American life and technology.

Along with this, the dictates of humanity required us to consider the plight of the native villages of Alaska, which because of their peculiar position find themselves with no adequate water supplies and no means of preventing pollution of their waters. This, too, is an area that was explored with great care.

In short, Mr. Speaker, I would like to emphasize the very complex, wide ranged, and indeed the innovative concepts that we have dealt with here. I believe it to be an excellent piece of legislation. I am convinced that what we put into this bill is necessary and wise. I am also convinced that what we did not put in it this time should not be there at this time. Consequently, I take pride in urging the House of Representatives to adopt the conference report as reported on H.R. 4148, the Water Quality Improvement Act of 1970.

One Member of this body I believe deserves special praise for the work that he has done on this bill. The ranking minority members of the Public Works Committee, the gentleman from St. Petersburg, Fla., Mr. WILLIAM C. CRAMER, has over the period of the last several years devoted much of his time and effort to the question of resolving difficulties in water pollution legislation and developing practicable working solutions to our pollution problems. He has continuously been a leader in the area of water pollution control legislation. As a result, the law is replete with his innovations introduced either as bills or as amendments to legislation that this body has considered or is considering now. These include such items as provisions for the training of personnel for water pollution control, the financing of construction of municipal waste plants, the national contingency plan for the control of oil spills, strong penalties for failure to notify of spills, inspection, and prevention requirements to permit inspection of vessels carrying oil, the development of a strike force to deal with oil spills, provision for research for the containment of oil following a spill, research and study provisions for control and amelioration of damage caused by spills and many other areas in which his knowledge, experience, and expertise on matters dealing with water pollution have proven themselves so valuable to this committee.

Unfortunately, BILL CRAMER could not be here today. I have been in constant contact with him and have kept him apprised of the progress of this conference report. He is standing by in case any problems should arise. I assured him that we foresaw no problems in the passage of this conference report for I could imagine that there would be no problem in the House just as there was no problem in the other body. BILL CRAMER has voted for water pollution control legislation for many, many years. He voted on the original passage of this bill and was a leader for tough but workable provisions in the conference. In 1968, he twice voted for the passage of similar legislation so that his record on water pollution matters is intact. However, I feel that it is incumbent upon us to give recognition to a Member whose contribution in this field has been so great and to remind ourselves that even though he physically is not present today, his guiding hand and incisive reasoning pervades the legislation that we are considering, and I would take the liberty of reminding the Members of this body that he was indeed an active conferee, that he signed the conference report and approves and supports its provisions.

Mr. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

Mr. BLATNIK. I am pleased to yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Speaker, I wish to commend our conferees for their diligent efforts in producing this comprehensive measure toward insuring the quality of our navigable waters. This piece of legislation represents an enormous investment of effort and time by those who have labored so hard over the past several months.

Though I support the underlying objectives of this bill, I am concerned by the tremendous potentials for delay which are inherent in the complicated system for State and Federal approvals embodied in section 21 of the bill—delays which can have many adverse effects in satisfying important needs of this country. Additionally, and without intending to fault the conferees in connection with weaknesses in some of the rather elaborate details, I detect several features which seem to me to leave something to be desired.

For example, in section 21(b) of the bill the language in subsection (2), pertaining to the objections of a State other than the State in which the discharge in point would take place employs the key clause "to insure compliance with applicable water standards," whereas, elsewhere in the section the pivotal clause is more accurately worded in terms of "reasonable assurance—that such activity will be conducted in a manner which will not violate applicable water standards." Presumably the intention in subsection 21 is to insure that there is "reasonable assurance."

Also, in subsection (2) of section 21 (b) it is not clear what the scope of the licensing agency's judgment is intended to be, particularly in cases where the State in which the discharge would occur is satisfied on the basis of reasonable standards but another State that may be affected is not satisfied and wishes to impose unreasonably restrictive standards.

I am troubled, too, by the uncertainty which the bill creates in regard to facilities presently in operation in States that now have water quality standards.

Another potentially serious problem may be lurking in the provisions of subsection (b) (9) (B) of section 21, which apparently would enable a State that has no water quality standards at the time of construction and operation of a facility covered by the act to thereafter adopt water quality standards that would be impossible for an existing facility to meet. I am concerned that there may not be sufficient flexibility and practicality built into some of these features of the bill.

I shall vote for this bill notwithstanding my concerns.

Mr. Speaker, I might add that the Joint Committee on Atomic Energy has under consideration bills which would also permit States to establish radiological standards more restrictive than those of the Atomic Energy Commission.

Mr. BLATNIK. Mr. Speaker, I yield such time as he may consume to the distinguished majority leader, the gentleman from Oklahoma (Mr. ALBERT).

Mr. ALBERT. Mr. Speaker, I certainly appreciate the gentleman from Minnesota yielding this time to me, because I think that the Water Quality Improvement Act of 1970, to which the House is about to give final approval, is not only a landmark piece of legislation but is another outstanding example of congressional initiative.

I feel humble in this area in following the distinguished gentleman from Minnesota (Mr. BLATNIK).

I think we might point out here that in this bill, as in practically every other major field, comments in many quarters to the contrary notwithstanding, it has been the Congress rather than the executive branch of the Government which has moved ahead in a vital area of high national priority. This water pollution control legislation was first introduced, this particular bill, by the distinguished gentleman from Maryland (Mr. FALLON) the chairman of the House Committee on Public Works, as early as January 23, 1969. Public hearings opened in February, but the Department of the Interior was not prepared to present the administration's position until March. The legislative product which the House Public Works Committee has fashioned in executive session was almost exclusively, insofar as policy is concerned, the product of its own labors. The administration's contribution was minimal. Drawn on heavily was the wealth of experience acquired by the committee during the past decade in pioneering in the water pollution control field.

I would remind the House that as long ago as 1960, the 86th Congress passed an antiwater pollution bill which was vetoed by President Eisenhower. Not content to rely solely on the wealth of background material it had already possessed, however, the Committee on Public Works of the House of Representatives in 1969 proceeded to gather additional evidence both in Washington and in the field. Visited and viewed firsthand, for example, was the Santa Barbara oil slick. I cannot emphasize too strongly that much more was involved here than merely physically inspecting the results of this unfortunate disaster. Rather, what is of prime importance is that the long immersion of the members of the

Committee on Public Works, particularly the gentleman from Minnesota (Mr. BLATNIK) in this subject has equipped that committee with a sophisticated knowledge of what these problems mean both as to short- and long-range effects and how they can be dealt with on a practical basis and what the interrelationship may be between various water pollution problems.

To my knowledge no important official in the executive branch of the government could possibly possess this type of expert knowledge.

H.R. 4148 passed the House on April 16, 1969, and the other body last October. The final legislative product which we now have before us is the result of a long and arduous conference extending over weeks and months. The same expertise which was so vital in the drafting of the original House-passed measure has made possible a successful conclusion of the conference.

H.R. 4148 is truly a monumental measure. I extend my congratulations to the membership of the Committee on Public Works for a job well done. I am sure they will not object to my singling out for particular commendation my old friend, the gentleman from Minnesota (Mr. BLATNIK).

Fifteen years ago JOHN BLATNIK was warning the Nation and the Congress about water pollution. His was often almost a voice crying in the wilderness. He received no cooperation from the Eisenhower administration. As I said earlier, his antiwater pollution bill in 1960 was vetoed. His dogged efforts were finally crowned with success in 1961 with the enactment of the Federal Water Pollution Control Act. This legislation was further expanded in 1966. The passage of H.R. 4148 today represents yet another triumph for JOHN BLATNIK in the fight against water pollution. He was of course supported in this effort by the distinguished chairman of the Committee on Public Works (Mr. FALLON) and all other Members on both sides of the aisle. This was a great triumph; however, it is the climax of great effort on the part of JOHN BLATNIK. I am sure it will not be his last major effort in this very important area in this House, or in this Congress.

(Mr. ALBERT asked and was given permission to revise and extend his remarks.)

Mr. FALLON. Mr. Speaker, I yield 5 minutes to the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD).

(Mr. GERALD R. FORD asked and was given permission to revise and extend his remarks).

Mr. GERALD R. FORD. Mr. Speaker, I am deeply grateful for the allocation of time from the distinguished chairman of the Committee on Public Works.

Let me speak out most emphatically in complimenting the members of the Committee on Public Works for sending to the House for action a conference report that I believe is a very broad-based and very constructive piece of pollution control legislation.

The House of Representatives through its Committee on Public Works has been in the forefront from the inception of the battle by the Federal Government against the problems of water pollution. The history recounted by the distinguished gentleman from Oklahoma (Mr. ALBERT) is, I believe, accurate in indicating that men like the gentleman from Minnesota, JOHN BLATNIK, deserve a great deal of credit. I would, however, add the name of one of the Members on this side of the aisle who I believe should also be recognized for his outstanding service in the Federal battle against the problems of water pollution. He is the gentleman from Florida (Mr. CRAMER), who has been, as far as I know, one of the persons in the Congress who has pushed the hardest and the most to get necessary legislation so that we could do something effectively in the field of water pollution.

Now I would like to make one observation in addition to complimenting all of the members of the Committee on Public Works on both sides of the aisle.

The gentleman from Oklahoma mentioned something to the effect that there had been a very bad oil pollution problem that developed in the Santa Barbara Channel or harbor in 1969.

If my memory is accurate, that problem arose in the last few days of January 1969. It was tragic. It was serious. Unfortunately, the tragedy that developed took place under the regulations promulgated by the previous Secretary of the Interior, the distinguished Secretary of the Interior, Mr. Udall, who served from January 21, 1961 to January 20, 1969. The regulations, we found, were inadequate. Mr. Udall apparently did not have tight enough regulations to preclude the kind of oil pollution problem that developed in the Santa Barbara Channel.

I am delighted that the Secretary of the Interior under the present administration, Mr. Hickel, has done something to remedy that problem. I am told that the new, corrective regulations which are tighter, more restrictive and more constructive have been issued by Secretary Hickel as of August 1969. I am simply saying that the Nixon administration, when it found the inadequacies of the regulations under the former Secretary of the Interior Stewart Udall, have done something to correct the problem. The new regulations will do a better job—although such regulations cannot in and of themselves prevent the kind of problem that on occasion may arise regardless of the best of intentions.

Now let me add this. This legislation I do not think is the final answer to the problems of pollution. The President has submitted to the Congress a number of bills, four of which involve the Committee on Public Works, in the area of water pollution. These bills, I am certain will get the prompt and constructive consideration of the Committee on Public Works under the chairman, the gentleman from Maryland (Mr. FALLON), and from the subcommittee under the chairmanship of the gentleman from Minnesota (Mr. BLATNIK). They are proposals that should be enacted into law. They will add to and supplement the current basic legislation. I hope and trust that within a relatively short period of time the President's new and comprehensive recommendations for clean water, for clean air, and for open spaces, will get the approval of this House. It should not be a partisan issue. It has not been in the past and it should not be a partisan issue in the future. This Congress can make a name for itself, in partnership with this administration, if we act affirmatively on the new legislative package recommended by President Nixon.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. FALLON. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. MCEWEN).

Mr. MCEWEN. Mr. Speaker, the question I would like to propose to my dear friend and colleague, the gentleman from Texas, who has given some consideration to this is—what the meaning of the term "navigable waters of the United States" is as it particularly applies in this bill, to preempting of standards for the reguation of discharge and treatment of sewage from vessels.

Mr. Speaker, the committees of both Houses—the Committees on Public Works—recognized there was a problem and it was forcefully brought to our attention by recreational boaters. They do not want to face a multiplicity of regulation as they transit interstate waters, from one jurisdiction to another.

I think we will agree that was the primary reason behind the preemption here by the Federal Government, as proposed in this legislation, setting standards.

What I would like to ask the gentleman from Texas is this. Is it his view that in this preemption we are also preempting for Federal standards wholly intrastate waters—a lake, shall we say, wholly contained within one State—that here, too, Federal standards shall apply?

Mr. WRIGHT. Of course the term "navigable waters" has been subject to many different interpretations. I believe the intention of the conference committee in this instance was to define "navigable waters of the United States" as those waters which have legally been so defined and those waters which are, in effect, navigable waters, and those, primarily, of course, are interstate streams.

The purpose of preemption of marine safety device and sanitary device standards by the Federal agency was, if I correctly understand it, to assure that boaters engaging their recreational craft in the use of the navigable waters of the United States would not confront a proliferation of differing standards as they travel from one State jurisdiction to another.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. FALLON. Mr. Speaker, I yield to the gentleman from Ohio (Mr. FEIGHAN) such time as he may consume.

(Mr. FEIGHAN asked and was given permission to revise and extend his remarks.)

Mr. FEIGHAN. Mr. Speaker, I wish to commend the members of the conference committee and members of the

House Committee on Public Works for their efforts in bringing to the floor of this House this report on the legislation which is of major importance in the control and cleanup of our national waters.

Mr. FALLON. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Speaker, I want to express my appreciation to the members of the Public Works Committee and to the House conferees for retaining the $20 million authorization for the special pollution problems of the Great Lakes.

I also want to point out that in the committee action to date and the recent recommendations of the President failed to provide any funding for the removal of any residual pollution which continues to contaminate the waters of the Great Lakes.

I hope that the committee will this year consider legislation to approach the special problems of pollution disaster areas such as Lake Erie, the Hudson River, San Francisco Bay, and certain portions of the gulf seaboard. Efforts must be made to meet such problems by increasing a water flow, developing wave action, and in the case of Lake Erie, by dredging or aerating certain areas of densely polluted waters. These pollution disaster areas are beyond the capacity of any State or local community and can only be handled through Federal action.

I hope to urge such a program before the public Works Committee at the earliest opportunity.

Mr. FALLON. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. JACOBS).

Mr. JACOBS. Mr. Speaker, I was interested in what the minority leader had to say about the comparative performance of the previous administration and the present administration in water pollution control. I would direct the attention of the minority leader to the fact that the Commissioner of Water Pollution Control, one David Dominick, appointed by the current administration on January 5 of this year, sent out simultaneous letters to a number of career regional directors of this program in effect firing them, because of ordering them transferred. And, at least in one instance, in Chicago, Ill., the current administration nominee to replace a 20-year career public servant is a civil engineer without special qualifications who was chairman of "Lithuanians for Nixon" in 1968. I just say that for the edification of the minority leader.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. The gentleman's comments, however, do not deny the statement that I made earlier, that the oil slick problem in the Santa Barbara Channel took place under regulations promulgated by former Secretary of Interior, the Honorable Stewart Udall.

Mr. JACOBS. No, I do not; and I am sure the gentleman would not deny the fact that the oil spill which occurred in the Gulf of Mexico just 2 weeks ago occurred under regulations that exist now, and also regulations which, I am told, have not been properly enforced in the case of that well.

Mr. GERALD R. FORD. The original exemption or license was granted in that case by the previous Democratic administration, however.

Mr. FALLON. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. KEITH).

Mr. KEITH. I thank the gentleman.

(Mr. KEITH asked and was given permission to revise and extend his remarks.)

Mr. KEITH. Mr. Speaker, I wish to compliment the chairman of the committee and its members on their efforts to bring the final version of this important bill back to us for a vote. As the committee knows, I have been very much interested both in the problem of oil spills at sea and in territorial waters. With reference to the efforts of this administration versus earlier administrations, I would say that before 1969 there was a lack of direction insofar as the responsibility for cleanups was concerned. This legislation, I believe, firmly puts this responsibility on the shoulders of the Coast Guard, for the first time makes substantial sums of money available for oil spillage removal and delineates the responsibility of industry in the cleanup problem.

Now that this has been assigned, we can actually make some progress, but we should have done it many years ago. The House tried to do it, if I recall correctly, 2 years ago. We passed a bill in the closing hours of the session in 1968, but it died between the branches of Congress and so the fault does not lie with this administration but with earlier administrations at least insofar as the assignment of actual responsibility to the industry and to the branches of Government that have to cope with this problem.

At any rate, Mr. Speaker, this legislation comes not a minute too soon. In the last 2 years we have had a thousand oil spills which have tremendously damaged this ecology of America. Hopefully in the future through this legislation we will have found a way to cope with these problems, and at least cut down on the damage that would otherwise have continued to decimate our shoreline.

Mr. FALLON. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. STEIGER).

(Mr. STEIGER of Wisconsin asked and was given permission to revise and extend his remarks.)

Mr. STEIGER of Wisconsin. Mr. Speaker, I very much appreciate the chairman yielding to me.

I commend the House Committee on Public Works and the conference committee for the new subsection H of section 5 of the Federal Water Pollution Control Act which has been incorporated in the final version of H.R. 4148.

I am very pleased that this body has given recognition to the problems of eutrophication and lake pollution.

In fact, this provision will, for the first time, give authority directly to the Department of the Interior to carry on research and demonstration projects, including the construction of publicly owned research facilities, which will give us additional information on the problem of eutrophication and the ending of pollution in our inland lakes.

Mr. Speaker, I compliment the committee on its work and look forward to having the Department of the Interior implement this "clean lakes" section of the legislation at an early date.

Mr. FALLON. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. Mr. Speaker, I, too, commend the committee, and I thank the chairman for having yielded to me.

Mr. Speaker, I direct one question to the gentleman from Texas regarding the matter of the discharge of waste from pleasure craft. I know there is some controversy on this subject, and there is a great deal of concern by pleasure craft owners about it in my area as to what regulations will be adopted.

Can the gentleman from Texas give us any information as to what procedures will be followed in settling this controversial question?

Mr. WRIGHT. Mr. Speaker, the bill does not lay down the guidelines but directs the Secretary of the Interior within 2 years to promulgate standards for these marine sanitation devices. Then it directs the Coast Guard to develop regulations for installation of the devices to see that they live up to the standards.

The bill exempts from these standards and regulations the vessels which already are equipped with sanitation devices that were installed pursuant to existing State law, so long as they remain consistent with existing State law. It provides that, after 2 years, new vessels would be required to comply with these standards and regulations. Existing vessels, however, would have 5 years before they have to come into compliance.

Mr. ASHBROOK. Mr. Speaker, I thank the gentleman. It seems a reasonable approach to this problem. Then those who have some controversy about this problem will have to sell their case to the authorities making those regulations.

(Mr. JONES of Alabama (at the request of Mr. FALLON) was granted permission to extend his remarks at this point in the RECORD.)

Mr. JONES of Alabama. Mr. Speaker, I am particularly pleased to have had the opportunity to be a part in bringing this conference report to the House today.

The conferees have worked long and hard to prepare this legislation which meets such a great need in our country.

This is a giant step forward and one which every Member of this House can be proud.

Since the first Water Pollution Control Act in 1948 I have worked with my distinguished and knowledgeable colleague from Minnesota, Hon. JOHN BLATNIK, to provide the most adequate legislation possible for control of water pollution.

We were able to extend the original act in 1953 and make it permanent in 1956. This initiated the grants for construction of municipal water treatment works.

Concern for quality of our environment was not so strong at that time.

In 1955 and 1956, public apathy was most obvious to me as chairman of the special subcommittee which traveled back and forth across the country conducting hearings on the Nation's water resource problems. Only in the urban centers were the warnings of growing pollution problems given voice.

During the early 1960's another series of hearings throughout the country before the Natural Resources and Power Subcommittee of which I was chairman, focused particular attention on the water pollution problems which were multiplying at an alarming rate.

The improvements of the Federal Water Pollution Control Act in 1961, 1965, and 1966 reflected the rising tide of public concern and interest in preventing the death of our lakes and streams.

It is in response to a great need and demand by the people of this country that we bring this conference report to the House for adoption today. This legislation will be an accommodation to the people who are earnestly seeking to make corrections and improvements in the quality of the water they use and discharge.

I believe that H.R. 4148 is another fine piece of legislation which has been reported from the Committee on Public Works, and which has already passed this body and is now before you today for final approval of the conference report. This bill is one of the outstanding pieces of legislation in which I have played a part in during my tenure with the Congress.

H.R. 4148 moves us into new categories in the drive to keep our Nation's waters pure. It establishes liability, monetary limitations, and requirements for oil cleanup spillage, whether it be by a vessel or onshore or offshore installation. It moves into the category of pollution from various types of vessels and lays down the guidelines for the development of appropriate disposal of sewage from those vessels in the years ahead. It requires for the first time certifications from any industry or from anyone who would use our Nation's waters for purposes such as nuclear power development, steel plant development, bridge construction, among other things that in the use of such Nation's waters the operation of any of these facilities will not effect the water quality standards of a State or States.

It covers many other major points too long to be enumerated here in the short time that I have. Suffice it to say I believe this legislation will prove to be one of the most important pieces of legislation this Congress will pass in this or any other session, and I recommend adoption of the conference report on H.R. 4148.

(Mr. FALLON asked and was given permission to revise and extend his remarks.)

Mr. FALLON. Mr. Speaker, I am proud to have been a part in development of the legislation which is pending before this body today for final consideration before it will be sent to the White House for signature.

This is major legislation with a capital "M."

Throughout the years from the Committee on Public Works there has been reported legislation which has developed a stronger and stronger program to keep our Nation's waters clean. This body throughout the years has consistently supported legislation which will provide necessary funding to develop proper means of cleaning up our Nation's waters and when necessary it has provided a means by which the Federal Government and the States have the power to bring action against those who would violate the water quality standards or our Nation's rivers, lakes, streams, and oceans.

The legislation pending before this body is another giant step in an effort to accomplish the goal we all seek—clean water for the use of all Americans. It is a long and complex bill. It covers such diverse fields as control of pollution by oil; control of hazardous polluting substances; control of sewage from vessels; and a requirement that proper certification be received from those who would use our Nation's waters and in the process must obtain a Federal license or permit, that they give reasonable assurance of compliance with water quality standards for a State or States before that applicant can receive any license or permit. This includes among others a license from the Atomic Energy Commission for a nuclear powerplant or for any new dam which requires a license or from the Federal Power Commission, as well as many other industries which would require a permit to build a dock discharge pipe, a water intake pipe, or a bridge.

These are just some of the highlights of this fine legislation. It is the result of almost 2½ years of intensive work by the Congress and comes to you today as a result of one of the most fully discussed and lengthy conferences in the history of the Committee on Public Works.

I am proud to be a part of it and I support it.

May I conclude my remarks by commending all those on the conference who worked so hard for the legislation, in particular the gentleman from Minnesota (Mr. BLATNIK), the gentleman from Alabama (Mr. JONES), the gentleman from Texas (Mr. WRIGHT), the ranking member of the committee, the gentleman from Florida (Mr. CRAMER), the gentleman from Ohio (Mr. HARSHA), and the gentleman from New York (Mr. GROVER).

I urge adoption of the conference report.

Mr. FEIGHAN. Mr. Speaker, let me say that I myself have been a strong supporter over many years of all the legislation that the Committee on Public Works has reported in the field of water pollution. I am particularly grateful for the fact that this conference report contains language which I supported when H.R. 4148 was first considered by the House. I have reference to section 15 of the conference report dealing with pollution control in the Great Lakes. This is an opening for the Secretary to begin to develop projects, to find new methods and techniques to eliminate or control pollution in all portions of the watersheds of the Great Lakes.

I note that the figure of $20 million for this section is still retained in the conference report and I appreciate this as well. I am pleased that elsewhere in this legislation which is before us today there is also authorization for clean lakes study and their research. I am appreciative of all these steps but I might add that they are only a beginning.

The problem in Lake Erie and in the other Great Lakes and in many portions of the waters of this country is a pressing one.

Under the $20 million authorized for this Great Lakes program the pilot project of the program would be one dealing with Lake Erie itself. The problem in Lake Erie has been most pressing for a number of years and therefore the first attention and the first priority for this program will be given to Lake Erie.

We must move forward faster in this field and I intend to do all I can to see that this effort is made to finally clean up this problem. I believe the balance of the legislation covering such things as oil pollution, licensing of facilities who use our Nation's waters, vessel pollution, are major steps in the advancement of the pollution cleanup of our Nation.

I support the conference report.

Mr. DONOHUE. Mr. Speaker, I most earnestly urge my colleagues to speedily and overwhelmingly approve this conference report on H.R. 4148, the Water Quality Improvement Act of 1970.

Beyond the extension of the present water pollution control legislation, this report recommends the acceptance and inclusion of the substance of a measure, H.R. 9382, that I cosponsored in March last year, and the legislative proposal I supported last September to create a Council on Environmental Quality.

That act is implemented in this measure by providing for the further establishment of the Office of Environmental Quality, to provide technical advice and assistance that will enable the President, the Congress, States, and municipalities to better meet and overcome our environmental pollution dangers.

Other additional major provisions recommended in this report are those authorizing an accelerated study of the removal methods and enforcement measures designed to deal with releases of hazardous substances into the waters of the United States; requiring that all Federal facilities and activities, as well as those federally licensed or permitted facilities and activities, must comply with certain water quality standards; projecting a clearer policy, in the protection of the public interest, of complete liability upon owners and operators of vessels and onshore and offshore facilities for pollution cleanup costs incurred by the United States.

Mr. Speaker, these and other additions to existing water pollution control legislation, contained in this report, represent a vigorous forward step in our continuing efforts to recruit all the resources of our Government and our society to expedite the removal and control of the increasingly dangerous pollution of our waters.

They constitute a commendable legislative effort on the part of the Congress to join with the President in mov-

ing faster and more effectively toward the completion of what we might well call a great national house-cleaning project that is absolutely essential for our survival.

Of course, many of us here who joined in urging the approval of the originally proposed appropriation of $1 billion for the construction of sewage and waste treatment facilities are mindful that our cause was lost by two votes. I sincerely hope that, when the time comes for the House to approve the actual appropriations necessary to carry out the provisions of this legislation, the same spirit of urgency and priority will be present as is being demonstrated here today.

Let us remember that most small towns, particularly, and our cities and States have practically reached the end of their financial resources and overburdened taxpayers, in these inflationary days, cannot bear the additional burden of cleaning up local and State waters. All our good intentions and our best legislative projections will come to nothing unless sufficient money is recommended by the President and appropriated by the Congress to fulfill the purpose of this act, and to honor our commitment to the taxpayers of the United States to provide them with a wholesome environment, free from pollution and poison.

Mr. VANIK. Mr. Speaker, I want to express my appreciation to the members of the Public Works Committee and to the House conferees for retaining the $20 million authorization for the special pollution problems of the Great Lakes.

I also want to point out that in the committee action to date and the recent recommendations of the President failed to provide any funding for the removal of any residual pollution which continues to contaminate the waters of the Great Lakes.

It is my hope that the committee will this year consider legislation to approach the special problems of pollution disaster areas such as Lake Erie, the Hudson River, San Francisco Bay, and certain portions of the gulf seaboard. Efforts must be made to meet such problems by increasing water flow, developing currents and wave action, and in the case of Lake Erie, by dredging or aerating certain areas of densely polluted waters. These pollution disaster areas are beyond the capacity of any state or local community and can only be handled through Federal action.

I expect to urge such a program before the Public Works Committee at the earliest opportunity.

Mr. ROTH. Mr. Speaker, the Water Quality Improvement Act—H.R. 4148, now reported out of conference after lengthy debate—is a significant step forward toward restoring and improving the quality of our Nation's waters. Initiated in the wake of the disastrous *Torrey Canyon* incident in 1967, and spurred by the Santa Barbara blowout and the *Ocean Eagle* spill in San Juan Harbor, this landmark legislation finally passed through the committees of both houses and was sent into conference committee last session. While the differences were being worked out, a series of disasters took place which prodded completion of the bill—a tanker grounded and leaking off the coast of Nova Scotia, one spilling its cargo into Tampa Bay, and the oil spillage following the drilling platform explosion off New Orleans.

From all these incidents, from 1967 to the present, it is necessary to conclude that there is a very serious problem and that our present laws are inadequate to deal with that problem. The penalties contained in the Oil Pollution Act of 1924—personal punishment of a fine of up to $2,500 and imprisonment went up to 1 year, or both, and vessel liabilities of up to $10,000—do not begin to cope with the threats posed by the expanding oil extraction and transportation industry. Far larger oil tankers, drilling platforms operated improperly or placed in seismically active offshore land, and increasing commerce with increasing chance of accidents—all call for the reform provided by this bill.

The conference report contains provisions for absolute liability to the United States, unless the owner or operator can prove that the discharge resulted solely from an act of God, an act of war, an act of U.S. Government negligence, or an act or omission of a third party. The limits on the liability have been set at $14 million for a vessel and $8 million for offshore or onshore facilities. This liability may not be high enough for the future, but it is sufficient to pay for the cleanup of the most disastrous spill on record.

A second provision of the bill that is needed badly is contained in section 21, which requires any applicant for a Federal license or permit with respect to the navigable waters of the United States to obtain certification that his activities will not violate existing water quality standards. This broad provision is very important. Among other things, it offers us the possibility of responding to the expanding demand for electric power and yet giving those parties especially concerned with the pollution generated along with that power a means, outside of the courts, for seeing that their concerns are considered.

This is vitally needed legislation and it has my wholehearted support. It is an integral part of the growing Federal effort aimed at assuring a quality environment for present as well as future generations. It is a sensible balancing of the growing demands of our people for the benefits from oil and electricity, and the benefits of a clean, healthy, life-promoting environment.

Mr. DENNEY. Mr. Speaker, I am a strong supporter of programs for improvement of our environment. One of the best of these that I see working in my district is the small watershed program—Public Law 566. I have been on these projects during the planning stage and have seen the problems faced by the local people and I have seen the projects with the land treatment on the land and the dams in place.

I strongly support the SCS budget increasing construction by $8,246,000. Why, I ask, since Aowa Creek watershed in Dixon County has been approved by Congress, have not funds been made available for construction. This is unfair to the local people. I have seen gullies in Aowa watershed 30 feet deep, eating away at the landscape and threatening roads and bridges. These gullies will continue to grow until action is taken. Gully erosion is an extremely serious problem throughout my district.

This source of sediment which causes pollution of our streams must be controlled. Also, the day must come when this land will be needed to satisfy our expanding population. The small watershed program is a natural for stopping these gullies and healing up the landscape. Frequent and devastating floods have plagued Nebraska during its entire history, and the people want to do something about them. In my district, the Nemaha Basin is now entirely covered with applications for assistance under the small watershed program. This work must go forward.

The accelerated land treatment program, an integral part of the small watersheds, supplements the going program of the soil and water conservation districts in holding soil and water on the farm, thus reducing sediment production and preventing agricultural chemicals from polluting the streams in the State.

Eastern Nebraska was not blessed with natural lakes. The small watershed program, however, is being used to develop water-based recreation that can satisfy a large part of this increasing demand for recreation. These recreational opportunities will make eastern Nebraska a better place in which to live, and will help prevent the outmigration of people.

As I have said, I support the SCS budget increasing construction funds, however, I am concerned at the sharp drop in planning funds. In my district alone there are 30 applications not yet planned even though 17 projects have been authorized and funded for construction and six projects completed.

Mr. FALLON. Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 358, nays 0, not voting 72, as follows:

[Roll No. 63]

YEAS—358

Abbitt	Ashbrook	Boland
Abernethy	Ashley	Bow
Adair	Aspinall	Brademas
Adams	Ayres	Bray
Addabbo	Baring	Brinkley
Albert	Beall, Md.	Brock
Alexander	Belcher	Brooks
Anderson, Calif.	Bell, Calif.	Broomfield
	Bennett	Brotzman
Anderson, Ill.	Betts	Brown, Mich.
Anderson, Tenn.	Bevill	Brown, Ohio
	Biester	Broyhill, N.C.
Andrews, N. Dak.	Bingham	Burke, Fla.
	Blackburn	Burke, Mass.
Annunzio	Blatnik	Burleson, Tex.
Arends	Boggs	Burlison, Mo.

Burton, Calif.	Harsha	Price, Tex.
Burton, Utah	Harvey	Pryor, Ark.
Bush	Hastings	Pucinski
Button	Hathaway	Purcell
Byrne, Pa.	Hawkins	Quie
Byrnes, Wis.	Hébert	Quillen
Cabell	Hechler, W. Va.	Railsback
Caffery	Heckler, Mass.	Randall
Camp	Helstoski	Rarick
Carter	Henderson	Rees
Casey	Hicks	Reid, N.Y.
Chamberlain	Hogan	Reuss
Chappell	Horton	Rhodes
Chisholm	Hosmer	Riegle
Clancy	Howard	Roberts
Clausen, Don H.	Hull	Robison
	Hungate	Rodino
Clawson, Del	Hunt	Roe
Cleveland	Hutchinson	Rogers, Colo.
Cohelan	Ichord	Rogers, Fla.
Collier	Jacobs	Rooney, N.Y.
Collins	Johnson, Calif.	Rooney, Pa.
Conable	Johnson, Pa.	Rosenthal
Conte	Jonas	Rostenkowski
Conyers	Jones, N.C.	Roth
Corbett	Karth	Roudebush
Corman	Kastenmeier	Roybal
Coughlin	Kazen	Ruppe
Cowger	Kee	Ruth
Crane	Keith	Ryan
Culver	King	St Germain
Cunningham	Kleppe	St. Onge
Daniel, Va.	Koch	Sandman
Daniels, N.J.	Kyl	Satterfield
Davis, Wis.	Langen	Saylor
de la Garza	Latta	Schadeberg
Delaney	Leggett	Scherle
Dellenback	Lloyd	Scheuer
Denney	Long, La.	Schwengel
Dennis	Long, Md.	Scott
Dent	Lujan	Sebelius
Derwinski	Lukens	Shriver
Devine	McClory	Sikes
Dickinson	McCloskey	Sisk
Dingell	McClure	Skubitz
Donohue	McCulloch	Slack
Dowdy	McDade	Smith, Calif.
Downing	McDonald, Mich.	Smith, Iowa
Dulski		Smith, N.Y.
Duncan	McEwen	Snyder
Dwyer	McFall	Springer
Eckhardt	McKneally	Stafford
Edmondson	Madden	Staggers
Edwards, Ala.	Mahon	Stanton
Edwards, Calif.	Mailliard	Steed
Edwards, La.	Marsh	Steiger, Wis.
Eilberg	Mathias	Stephens
Erlenborn	Matsunaga	Stokes
Esch	May	Stratton
Eshleman	Mayne	Stubblefield
Evans, Colo.	Meeds	Stuckey
Evins, Tenn.	Melcher	Sullivan
Fallon	Michel	Symington
Fascell	Mikva	Talcott
Feighan	Miller, Calif.	Taylor
Findley	Miller, Ohio	Teague, Calif.
Fisher	Mills	Thompson, Ga.
Flood	Minish	Thompson, N.J.
Flowers	Mize	Thomson, Wis.
Flynt	Mizell	Tiernan
Foley	Mollohan	Udall
Ford, Gerald R.	Montgomery	Ullman
Foreman	Moorhead	Van Deerlin
Fountain	Morgan	Vander Jagt
Fraser	Morse	Vanik
Frelinghuysen	Morton	Vigorito
Frey	Mosher	Waggonner
Friedel	Moss	Waldie
Fulton, Pa.	Murphy, Ill.	Watson
Fuqua	Murphy, N.Y.	Watts
Galifianakis	Myers	Weicker
Garmatz	Natcher	Whalen
Gaydos	Nedzi	Whalley
Gibbons	Nelsen	White
Gilbert	Nichols	Whitehurst
Gonzalez	Nix	Whitten
Goodling	Obey	Widnall
Green, Oreg.	O'Hara	Wiggins
Green, Pa.	O'Konski	Williams
Griffin	Olsen	Wilson, Bob
Griffiths	O'Neal, Ga.	Wilson, Charles H.
Gross	O'Neill, Mass.	
Grover	Patten	Winn
Gubser	Pelly	Wold
Gude	Pepper	Wolff
Hagan	Perkins	Wright
Haley	Pettis	Wyatt
Hall	Philbin	Wylie
Halpern	Pickle	Wyman
Hamilton	Pike	Yates
Hammer-schmidt	Pirnie	Yatron
	Poage	Young
Hanley	Poff	Zablocki
Hanna	Pollock	Zion
Hansen, Idaho	Preyer, N.C.	Zwach
Hansen, Wash.	Price, Ill.	

NAYS—0

NOT VOTING—72

Andrews, Ala.	Fulton, Tenn.	Martin
Barrett	Gallagher	Meskill
Berry	Gettys	Mink
Biaggi	Giaimo	Minshall
Blanton	Goldwater	Monagan
Bolling	Gray	Ottinger
Brasco	Harrington	Passman
Brown, Calif.	Hays	Patman
Broyhill, Va.	Holifield	Podell
Buchanan	Jarman	Powell
Carey	Jones, Ala.	Reid, Ill.
Cederberg	Jones, Tenn.	Reifel
Celler	Kirwan	Rivers
Clark	Kluczynski	Schneebeli
Clay	Kuykendall	Shipley
Colmer	Kyros	Steiger, Ariz.
Cramer	Landgrebe	Taft
Daddario	Landrum	Teague, Tex.
Davis, Ga.	Lennon	Tunney
Dawson	Lowenstein	Wampler
Diggs	McCarthy	Watkins
Dorn	McMillan	Wydler
Farbstein	Macdonald, Mass.	
Fish		
Ford, William D.	MacGregor	
	Mann	

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Celler with Mr. Wydler.
Mr. Teague of Texas with Mr. Minshall.
Mr. Holifield with Mr. Meskill.
Mr. Hays with Mr. Cederberg.
Mr. Brasco with Mr. Fish.
Mr. Barrett with Mr. Watkins.
Mr. Lennon with Mr. Berry.
Mr. Macdonald of Massachusetts with Mr. Goldwater.
Mr. Monagan with Mrs. Reid of Illinois.
Mr. Farbstein with Mr. MacGregor.
Mr. Gallagher with Mr. Reifel.
Mr. Shipley with Mr. Kirwan.
Mr. Fulton of Tennessee with Mr. Kuykendall.
Mr. Gray with Mr. Schneebeli.
Mr. Giaimo with Mr. Tunney.
Mr. Daddario with Mr. Steiger of Wisconsin.
Mr. Davis of Georgia with Mr. Martin.
Mr. Landrum with Mr. Broyhill of Virginia.
Mr. Kluczynski with Mr. Taft.
Mr. Biaggi with Mr. Blanton.
Mr. Andrews of Alabama with Mr. Buchanan.
Mr. Jones of Tennessee with Mr. Wampler.
Mr. Rivers with Mr. Cramer.
Mr. Patman with Mr. Landgrebe.
Mr. Passman with Mr. Clark.
Mr. Dorn with Mr. Mann.
Mr. Jones of Alabama with Mr. McMillan.
Mr. Jarman with Mr. McCarthy.
Mr. Carey with Mr. Brown of California.
Mr. Colmer with Mr. Kyros.
Mr. William D. Ford with Mr. Dawson.
Mr. Gettys with Mr. Lowenstein.
Mr. Harrington with Mr. Clay.
Mr. Podell with Mrs. Mink.
Mr. Ottinger with Mr. Diggs.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

ENROLLMENT OF TITLE OF H.R. 4148, WATER QUALITY IMPROVEMENT ACT OF 1970

Mr. FALLON. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 559) and ask unanimous consent for its immediate consideration.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 559

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill H.R. 4148 the Clerk of the House of Representatives is authorized and directed to enroll the title so as to read: "An Act to amend the Federal Water Pollution Control Act, as amended, and for other purposes."

The SPEAKER pro tempore (Mr. EDMONDSON). Is there objection to the request of the gentleman from Maryland?

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FALLON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

CORRECTION OF ROLLCALL

Mr. ROONEY of New York. Mr. Speaker, on rollcall No. 60, on yesterday, March 24, a quorum call, I am recorded as absent. I was present and answered to my name. I ask unanimous consent that the permanent RECORD and Journal be corrected accordingly.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PROVIDING ADDITIONAL FUNDS FOR DISTRICT OF COLUMBIA BAIL AGENCY, 1970

Mr. DOWDY. Mr. Speaker, by direction of the Committee on the District of Columbia, I ask unanimous consent that the Committee of the Whole House on the State of the Union be discharged from further consideration of the bill (H.R. 16612) to amend the District of Columbia Bail Agency Act to provide additional funds for the District of Columbia Bail Agency for fiscal year 1970, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 16612

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 9 of the District of Columbia Bail Agency Act (D.C. Code, sec. 23–908) is amended by striking out ", but not to exceed $130,000 in any one fiscal year,".

Mr. DOWDY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, the District of Columbia Bail Agency has been given, under the provisions of the omnibus anticrime bill which passed the House recently, a great deal of additional authority and responsibility.

They are presently operating under a ceiling of $130,000, and they will run out of money immediately. They will need

about $40,000 more to finish out this fiscal year.

The committee has been advised there is an urgent need for this legislation. It is requested by the Director of the District of Columbia Bail Agency and by the chief judge of the U.S. District Court for the District of Columbia, as I said, because of the additional workload occasioned by the increased number of investigations required of the Agency.

I urge the adoption of the bill.

Mr. NELSEN. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I only wish to add that by statutory limitation, the authorization of appropriations was set at $130,000. Because of the great increase in arrests and consequently the demand for services, the bail agency finds it will be impossible to continue operations to the end of the fiscal year. The funds are available by reallocation but the limitation on the authorization prevents the Appropriation Subcommittee from making the necessary reallocation for the agency to execute the bail act as enacted by Congress.

There was no opposition whatever in the committee to this bill. I hope the bill will be passed.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM FOR BALANCE OF WEEK

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the remainder of the week as far as he can report it.

Mr. ALBERT. Mr. Speaker, will the distinguished gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, we do not expect any more legislative business this week. I say that in spite of the fact that I must also say that we are compelled not to adjourn for an Easter recess and will not adjourn for an Easter recess unless and until the mail problem is solved. We will not program ordinary legislation during the remainder of this week or next week, and we will undertake, if the Members are needed here, to advise Members. I am sure the gentleman from Michigan will cooperate with us in trying to give Members ample notice of any emergency legislation which might come up.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD, I yield to the gentleman from Illinois.

Mr. PUCINSKI. Will the distinguished majority leader give us some idea of where we are on this mail situation now, if the gentleman knows?

Mr. ALBERT. I cannot answer the gentleman. The gentleman probably knows that as far as the pending legislation is concerned the conferees met this morning and they will meet again this afternoon. I am not sure what will happen, but we do not expect any action on this matter this week. I can almost assure the gentleman of that. Otherwise I would not make this announcement. But I must say that we are not going to adjourn through next week.

Mr. PUCINSKI. The gentleman is saying, then, we will be here Monday for official business?

Mr. ALBERT. We will be here. The House will meet on Monday.

SUPPORTING LEGISLATION TO ESTABLISH A FEDERAL ADMINISTRATIVE JUSTICE CENTER

(Mr. KASTENMEIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KASTENMEIER. Mr. Speaker, I am today introducing a bill to fill a great and growing need of the Federal Government. My bill (H.R. 16663) would establish a Federal Administrative Justice Center with responsibility for encouraging and supporting the continuing legal education of lawyers in the service of the Federal Government.

There are about 10,000 lawyers in the Federal service. This includes some 600 hearing examiners appointed under the Administrative Act. They play a vital role in the administration and enforcement of the law. The Government has shown a keen interest in attracting capable young attorneys, and in making their posts attractive. But more attention should be given to measures which will induce the ablest to remain with the Government and enable all lawyers in Federal service to perform their duties more capably.

The measure I have introduced is also being introduced in the other body by the distinguished senior Senator from Massachusetts, Mr. KENNEDY. It is designed to fill a part of this gap by encouraging Government lawyers to develop their skills and to keep abreast of developments in Congress, the courts, the agencies, and in society, to the end that they may be prepared to perform their duties more competently and also to undertake effectively future challenges.

The bar has long recognized the desirability of continuing legal education. The First National Conference on the Continuing Education of the Bar which met at Arden House in 1958 emphasized this, saying:

> American lawyers today are confronted with problems of vast and increasing complexity. No law school education can be expected to deal with all of these problems. A practicing lawyer has an obligation to continue his education throughout his professional life. This education not only must increase his professional competence but also better qualify him to meet his professional responsibilities to his clients and to the public.

What was there said of the lawyer in general applies with special force to the lawyer in Government service.

Some Government lawyers and hearing examiners now have access to continuing legal education courses provided by the agencies which employ them. Others have access to courses sponsored by the Civil Service Commission, the bar associations, and the law schools. However, what is available falls short of the need and remedial legislation seems indicated.

In 1962 the personnel committee of the Administrative Conference of the United States noted the lack of well-rounded career development and training programs specially designed for lawyers in Federal service. In 1966 the Chairman of the Civil Service Commission and in 1967 the Presidential Task Force on Career Advancement observed that this deficiency still existed. In 1969 the American Bar Association and the Administrative Conference of the United States, adopted resolutions again pointing to the need for improved continuing legal education in the Government, and recommended as a remedy the founding by the Government of a Center in Washington which would be responsible for this activity.

The proposed Center would be organized as a new agency. It does not appear feasible to assign the function to any existing Government organization. Policy will be determined by a Board of Visitors, with the Attorney General as Chairman. A majority of the Board would consist of persons in Government employ; an outside viewpoint would be provided by members chosen from the private bar and law schools.

The activities of the Center would be supervised by a staff of lawyers similar to the administration of a law school. The staff would be small. The Center's proposed budget of $400,000 is a modest one. Students would be designated by the agencies of the Government employing them as lawyers. Fees covering the cost of a course would be paid out of funds available for training purposes by the agencies sending their lawyers to the courses organized by the Center.

The Center would work closely with the departments, agencies, and hearing examiners to identify education needs and to develop effective legal education programs, recruiting the expert faculty for each particular course as the need arises. This should avoid any necessity for the Center to employ a large permanent staff.

The Center is not intended to overlap the existing powers and responsibilities of any agency of the Government. Where training of lawyers is now done well within the Government, it would continue unimpaired. The Center would be expected to effect its role where a need for further education of lawyers is not adequately provided.

Continuing legal education could encourage more capable young lawyers to join the Government and help retain experienced attorneys of undoubted ability.

The Federal Administrative Justice Center is designed to fulfill a need for continuing legal education which will endure as long as there is an insistence

Public Law 91-224
91st Congress, H. R. 4148
April 3, 1970

An Act

To amend the Federal Water Pollution Control Act, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Federal Water Pollution Control Act, amendments.

TITLE I—WATER QUALITY IMPROVEMENT

Citation of title.

SEC. 101. This title may be cited as the "Water Quality Improvement Act of 1970".

Repeal. 80 Stat. 1252. 33 USC 466m, 466n. 33 USC 466 note. 70 Stat. 506; 79 Stat. 903. 33 USC 466h-1.

SEC. 102. Existing sections 17 and 18 of the Federal Water Pollution Control Act, as amended, are hereby repealed. Section 19 of such Act is redesignated as section 27. Sections 11 through 16 of such Act are redesignated as sections 21 through 26, respectively. Such Act is further amended by inserting after section 10 the following new sections:

"CONTROL OF POLLUTION BY OIL

Definitions.

"SEC. 11. (a) For the purpose of this section, the term—

"(1) 'oil' means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil;

"(2) 'discharge' includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying or dumping;

"(3) 'vessel' means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water other than a public vessel;

"(4) 'public vessel' means a vessel owned or bare-boat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce;

"(5) 'United States' means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

"(6) 'owner or operator' means (A) in the case of a vessel, any person owning, operating, or chartering by demise, such vessel, and (B) in the case of an onshore facility, and an offshore facility, any person owning or operating such onshore facility or offshore facility, and (C) in the case of any abandoned offshore facility, the person who owned or operated such facility immediately prior to such abandonment;

"(7) 'person' includes an individual, firm, corporation, association, and a partnership.

"(8) 'remove' or 'removal' refers to removal of the oil from the water and shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches;

"(9) 'contiguous zone' means the entire zone established or to be established by the United States under article 24 of the Convention on the Territorial Sea and the Contiguous Zone;

15 UST 1606.

"(10) 'onshore facility' means any facility (including, but not limited to, motor vehicles and rolling stock) of any kind located in, on, or under, any land within the United States other than submerged land;

"(11) 'offshore facility' means any facility of any kind located in, on, or under, any of the navigable waters of the United States other than a vessel or a public vessel;

"(12) 'act of God' means an act occasioned by an unanticipated grave natural disaster;

"(13) 'barrel' means 42 United States gallons at 60 degrees Fahrenheit.

"(b)(1) The Congress hereby declares that it is the policy of the United States that there should be no discharges of oil into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone.

"(2) The discharge of oil into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone in harmful quantities as determined by the President under paragraph (3) of this subsection, is prohibited, except (A) in the case of such discharges into the waters of the contiguous zone, where permitted under article IV of the International Convention for
12 UST 2989. the Prevention of Pollution of the Sea by Oil, 1954, as amended, and (B) where permitted in quantities and at times and locations or under such circumstances or conditions as the President may, by regulation, determine not to be harmful. Any regulations issued under this subsection shall be consistent with maritime safety and with marine and navigation laws and regulations and applicable water quality standards.

"(3) The President shall, by regulation, to be issued as soon as possible after the date of enactment of this paragraph, determine for the purposes of this section, those quantities of oil the discharge of which, at such times, locations, circumstances, and conditions, will be harmful to the public health or welfare of the United States, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches, except that in the case of the discharge of oil into or upon the waters of the contiguous zone, only those discharges which threaten the fishery resources of the contiguous zone or threaten to pollute or contribute to the pollution of the territory or the territorial sea of the United States may be determined to be harmful.

"(4) Any person in charge of a vessel or of an onshore facility or an offshore facility shall, as soon as he has knowledge of any discharge of oil from such vessel or facility in violation of paragraph (2) of this subsection, immediately notify the appropriate agency of the United
Penalty. States Government of such discharge. Any such person who fails to notify immediately such agency of such discharge shall, upon conviction, be fined not more than $10,000, or imprisoned for not more than one year, or both. Notification received pursuant to this paragraph or information obtained by the exploitation of such notification shall not be used against any such person in any criminal case, except a prosecution for perjury or for giving a false statement.

Penalty. "(5) Any owner or operator of any vessel, onshore facility, or offshore facility from which oil is knowingly discharged in violation of paragraph (2) of this subsection shall be assessed a civil penalty by the Secretary of the department in which the Coast Guard is operating of not more than $10,000 for each offense. No penalty shall be assessed unless the owner or operator charged shall have been given notice and opportunity for a hearing on such charge. Each violation is a separate offense. Any such civil penalty may be compromised by such Secretary. In determining the amount of the penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the owner or operator charged, the effect on the owner or operator's ability to continue in business, and the gravity of the violation, shall be considered by such Secretary. The Secretary of the

Treasury shall withhold at the request of such Secretary the clearance required by section 4197 of the Revised Statutes of the United States, as amended (46 U.S.C. 91), of any vessel the owner or operator of which is subject to the foregoing penalty. Clearance may be granted in such cases upon the filing of a bond or other surety satisfactory to such Secretary.

"(c) (1) Whenever any oil is discharged, into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone, the President is authorized to act to remove or arrange for the removal of such oil at any time, unless he determines such removal will be done properly by the owner or operator of the vessel, onshore facility, or offshore facility from which the discharge occurs.

"(2) Within sixty days after the effective date of this section, the President shall prepare and publish a National Contingency Plan for removal of oil pursuant to this subsection. Such National Contingency Plan shall provide for efficient, coordinated, and effective action to minimize damage from oil discharges, including containment, dispersal, and removal of oil, and shall include, but not be limited to— National Contingency Plan.

"(A) assignment of duties and responsibilities among Federal departments and agencies in coordination with State and local agencies, including, but not limited to, water pollution control, conservation, and port authorities;

"(B) identification, procurement, maintenance, and storage of equipment and supplies;

"(C) establishment or designation of a strike force consisting of personnel who shall be trained, prepared, and available to provide necessary services to carry out the Plan, including the establishment at major ports, to be determined by the President, of emergency task forces of trained personnel, adequate oil pollution control equipment and material, and a detailed oil pollution prevention and removal plan;

"(D) a system of surveillance and notice designed to insure earliest possible notice of discharges of oil to the appropriate Federal agency;

"(E) establishment of a national center to provide coordination and direction for operations in carrying out the Plan;

"(F) procedures and techniques to be employed in identifying, containing, dispersing, and removing oil; and

"(G) a schedule, prepared in cooperation with the States, identifying (i) dispersants and other chemicals, if any, that may be used in carrying out the Plan, (ii) the waters in which such dispersants and chemicals may be used, and (iii) the quantities of such dispersant or chemical which can be used safely in such waters, which schedule shall provide in the case of any dispersant, chemical, or waters not specifically identified in such schedule that the President, or his delegate, may, on a case-by-case basis, identify the dispersants and other chemicals which may be used, the waters in which they may be used, and the quantities which can be used safely in such waters.

The President may, from time to time, as he deems advisable, revise or otherwise amend the National Contingency Plan. After publication of the National Contingency Plan, the removal of oil and actions to minimize damage from oil discharges shall, to the greatest extent possible, be in accordance with the National Contingency Plan.

"(d) Whenever a marine disaster in or upon the navigable waters of the United States has created a substantial threat of a pollution hazard to the public health or welfare of the United States, including, but not

limited to, fish, shellfish, and wildlife and the public and private shorelines and beaches of the United States, because of a discharge, or an imminent discharge, of large quantities of oil from a vessel the United States may (A) coordinate and direct all public and private efforts directed at the removal or elimination of such threat; and (B) summarily remove, and, if necessary, destroy such vessel by whatever means are available without regard to any provision of law governing the employment of personnel or the expenditure of appropriated funds. Any expense incurred under this subsection shall be a cost incurred by the United States Government for the purposes of subsection (f) in the removal of oil.

"(e) In addition to any other action taken by a State or local government, when the President determines there is an imminent and substantial threat to the public health or welfare of the United States, including, but not limited to, fish, shellfish, and wildlife and public and private property, shorelines, and beaches within the United States, because of an actual or threatened discharge of oil into or upon the navigable waters of the United States from an onshore or offshore facility, the President may require the United States attorney of the district in which the threat occurs to secure such relief as may be necessary to abate such threat, and the district courts of the United States shall have jurisdiction to grant such relief as the public interest and the equities of the case may require.

"(f)(1) Except where an owner or operator can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any vessel from which oil is discharged in violation of subsection (b)(2) of this section shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil by the United States Government in an amount not to exceed $100 per gross ton of such vessel or $14,000,000, whichever is lesser, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. Such costs shall constitute a maritime lien on such vessel which may be recovered in an action in rem in the district court of the United States for any district within which any vessel may be found. The United States may also bring an action against the owner or operator of such vessel in any court of competent jurisdiction to recover such costs.

"(2) Except where an owner or operator of an onshore facility can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any such facility from which oil is discharged in violation of subsection (b)(2) of this section shall be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil by the United States Government in an amount not to exceed $8,000,000, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. The United States may bring an action

against the owner or operator of such facility in any court of competent jurisdiction to recover such costs. The Secretary is authorized, by regulation, after consultation with the Secretary of Commerce and the Small Business Administration, to establish reasonable and equitable classifications of those onshore facilities having a total fixed storage capacity of 1,000 barrels or less which he determines because of size, type, and location do not present a substantial risk of the discharge of oil in violation of subsection (b)(2) of this section, and apply with respect to such classifications differing limits of liability which may be less than the amount contained in this paragraph.

"(3) Except where an owner or operator of an offshore facility can prove that a discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether any such act or omission was or was not negligent, or any combination of the foregoing clauses, such owner or operator of any such facility from which oil is discharged in violation of subsection (b)(2) of this section shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for the removal of such oil by the United States Government in an amount not to exceed $8,000,000, except that where the United States can show that such discharge was the result of willful negligence or willful misconduct within the privity and knowledge of the owner, such owner or operator shall be liable to the United States Government for the full amount of such costs. The United States may bring an action against the owner or operator of such a facility in any court of competent jurisdiction to recover such costs.

"(g) In any case where an owner or operator of a vessel, of an onshore facility, or of an offshore facility, from which oil is discharged in violation of subsection (b)(2) of this section proves that such discharge of oil was caused solely by an act or omission of a third party, or was caused solely by such an act or omission in combination with an act of God, an act of war, or negligence on the part of the United States Government, such third party shall, notwithstanding any other provision of law, be liable to the United States Government for the actual costs incurred under subsection (c) for removal of such oil by the United States Government, except where such third party can prove that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of another party without regard to whether such act or omission was or was not negligent, or any combination of the foregoing clauses. If such third party was the owner or operator of a vessel which caused the discharge of oil in violation of subsection (b)(2) of this section, the liability of such third party under this subsection shall not exceed $100 per gross ton of such vessel or $14,000,000, whichever is the lesser. In any other case the liability of such third party shall not exceed the limitation which would have been applicable to the owner or operator of the vessel or the onshore or offshore facility from which the discharge actually occurred, if such owner or operator were liable. If the United States can show that the discharge of oil in violation of subsection (b)(2) of this section was the result of willful negligence or willful misconduct within the privity and knowledge of such third party, such third party shall be liable to the United States Government for the full amount of such removal costs. The United States may bring an action against the third party in any court of competent jurisdiction to recover such removal costs.

84 STAT. 96

"(h) The liabilities established by this section shall in no way affect any rights which (1) the owner or operator of a vessel or of an onshore facility or an offshore facility may have against any third party whose acts may in any way have caused or contributed to such discharge, or (2) the United States Government may have against any third party whose actions may in any way have caused or contributed to the discharge of oil.

"(i)(1) In any case where an owner or operator of a vessel or an onshore facility or an offshore facility from which oil is discharged in violation of subsection (b)(2) of this section acts to remove such oil in accordance with regulations promulgated pursuant to this section, such owner or operator shall be entitled to recover the reasonable costs incurred in such removal upon establishing, in a suit which may be brought against the United States Government in the United States Court of Claims, that such discharge was caused solely by (A) an act of God, (B) an act of war, (C) negligence on the part of the United States Government, or (D) an act or omission of a third party without regard to whether such act or omission was or was not negligent, or of any combination of the foregoing clauses.

"(2) The provisions of this subsection shall not apply in any case where liability is established pursuant to the Outer Continental Shelf Lands Act.

67 Stat. 462. 43 USC 1331 note.

"(3) Any amount paid in accordance with a judgment of the United States Court of Claims pursuant to this section shall be paid from the fund established pursuant to subsection (k).

Regulations.

"(j)(1) Consistent with the National Contingency Plan required by subsection (c)(2) of this section, as soon as practicable after the effective date of this section, and from time to time thereafter, the President shall issue regulations consistent with maritime safety and with marine and navigation laws (A) establishing methods and procedures for removal of discharged oil, (B) establishing criteria for the development and implementation of local and regional oil removal contingency plans, (C) establishing procedures, methods, and requirements for equipment to prevent discharges of oil from vessels and from onshore facilities and offshore facilities, and (D) governing the inspection of vessels carrying cargoes of oil and the inspection of such cargoes in order to reduce the likelihood of discharges of oil from such vessels in violation of this section.

"(2) Any owner or operator of a vessel or an onshore facility or an offshore facility and any other person subject to any regulation issued under paragraph (1) of this subsection who fails or refuses to comply with the provisions of any such regulation, shall be liable to a civil penalty of not more than $5,000 for each such violation. Each violation shall be a separate offense. The President may assess and compromise such penalty. No penalty shall be assessed until the owner, operator, or other person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the owner, operator, or other person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by the President.

Appropriation.

"(k) There is hereby authorized to be appropriated to a revolving fund to be established in the Treasury not to exceed $35,000,000 to carry out the provisions of subsections (c), (i), and (l) of this section and section 12 of this Act. Any other funds received by the United States under this section shall also be deposited in said fund for such purposes. All sums appropriated to, or deposited in, said fund shall remain available until expended.

Post, p. 98.

"(l) The President is authorized to delegate the administration of this section to the heads of those Federal departments, agencies, and instrumentalities which he determines to be appropriate. Any moneys in the fund established by subsection (k) of this section shall be available to such Federal departments, agencies, and instrumentalities to carry out the provisions of subsections (c) and (i) of this section and section 12 of this Act. Each such department, agency, and instrumentality, in order to avoid duplication of effort, shall, whenever appropriate, utilize the personnel, services, and facilities of other Federal departments, agencies, and instrumentalities.

Post, p.98.

"(m) Anyone authorized by the President to enforce the provisions of this section may, except as to public vessels, (A) board and inspect any vessel upon the navigable waters of the United States or the waters of the contiguous zone, (B) with or without a warrant arrest any person who violates the provisions of this section or any regulation issued thereunder in his presence or view, and (C) execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(n) The several district courts of the United States are invested with jurisdiction for any actions, other than actions pursuant to subsection (i)(1), arising under this section. In the case of Guam, such actions may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone, such actions may be brought in the United States District Court for the District of the Canal Zone.

"(o)(1) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel, or of any owner or operator of any onshore facility or offshore facility to any person or agency under any provision of law for damages to any publicly-owned or privately-owned property resulting from a discharge of any oil or from the removal of any such oil.

"(2) Nothing in this section shall be construed as preempting any State or political subdivision thereof from imposing any requirement or liability with respect to the discharge of oil into any waters within such State.

"(3) Nothing in this section shall be construed as affecting or modifying any other existing authority of any Federal department, agency, or instrumentality, relative to onshore or offshore facilities under this Act or any other provision of law, or to affect any State or local law not in conflict with this section.

"(p)(1) Any vessel over three hundred gross tons, including any barge of equivalent size, using any port or place in the United States or the navigable waters of the United States for any purpose shall establish and maintain under regulations to be prescribed from time to time by the President, evidence of financial responsibility of $100 per gross ton, or $14,000,000 whichever is the lesser, to meet the liability to the United States which such vessel could be subjected under this section. In cases where an owner or operator owns, operates, or charters more than one such vessel, financial responsibility need only be established to meet the maximum liability to which the largest of such vessels could be subjected. Financial responsibility may be established by any one of, or a combination of, the following methods acceptable to the President: (A) evidence of insurance, (B) surety bonds, (C) qualification as a self-insurer, or (D) other evidence of financial responsibility. Any bond filed shall be issued by a bonding company authorized to do business in the United States.

Effective date.

"(2) The provisions of paragraph (1) of this subsection shall be effective one year after the effective date of this section. The President shall delegate the responsibility to carry out the provisions of this subsection to the appropriate agency head within sixty days after the date of enactment of this section. Regulations necessary to implement this subsection shall be issued within six months after the date of enactment of this section.

"(3) Any claim for costs incurred by such vessel may be brought directly against the insurer or any other person providing evidence of financial responsibility as required under this subsection. In the case of any action pursuant to this subsection such insurer or other person shall be entitled to invoke all rights and defenses which would have been available to the owner or operator if an action had been brought against him by the claimant, and which would have been available to him if an action had been brought against him by the owner or operator.

"(4) The Secretary of Transportation, in consultation with the Secretaries of Interior, State, Commerce, and other interested Federal agencies, representatives of the merchant marine, oil companies, insurance companies, and other interested individuals and organizations, and taking into account the results of the application of paragraph (1) of this subsection, shall conduct a study of the need for and, to the extent determined necessary—

"(A) other measures to provide financial responsibility and limitation of liability with respect to vessels using the navigable waters of the United States;

"(B) measures to provide financial responsibility for all onshore and offshore facilities; and

"(C) other measures for limitation of liability of such facilities;

for the cost of removing discharged oil and paying all damages resulting from the discharge of such oil. The Secretary of Transportation shall submit a report, together with any legislative recommendations, to Congress and the President by January 1, 1971.

Report and recommendations to Congress and the President.

"CONTROL OF HAZARDOUS POLLUTING SUBSTANCES

"SEC. 12. (a) The President shall, in accordance with subsection (b) of this section, develop, promulgate, and revise as may be appropriate, regulations (1) designating as hazardous substances, other than oil as defined in section 11 of this Act, such elements and compounds which, when discharged in any quantity into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone, present an imminent and substantial danger to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, shorelines, and beaches; and (2) establishing, if appropriate, recommended methods and means for the removal of such substances.

Ante, p. 91.

"(b) Sections 551 through 559, inclusive (other than section 553 (c)), and 701 through 706, inclusive, of title 5, United States Code, shall apply to regulations issued under authority of this section.

80 Stat. 381; 81 Stat. 54.

"(c) In order to facilitate the removal, if appropriate, of any hazardous substance any person in charge of a vessel or of an onshore or offshore facility of any kind shall, as soon as he has knowledge of any discharge of such substance from such vessel or facility, immediately notify the appropriate agency of the United States of such discharge.

"(d) Whenever any hazardous substance is discharged into or upon the navigable waters of the United States or adjoining shorelines or the waters of the contiguous zone, unless removal is immediately undertaken by the owner or operator of the vessel or onshore or offshore facility from which the discharge occurs or which caused the discharge, pursuant to the regulations promulgated under this section, the President, if appropriate, shall remove or arrange for the removal thereof in accordance with such regulations. Nothing in this subsection shall be construed to restrict the authority of the President to act to remove or arrange for the removal of such hazardous substance at any time.

"(e) Nothing in this section shall affect or modify in any way the obligations of any owner or operator of any vessel, onshore or offshore facility to any person or agency under any provision of law for damages to any publicly- or privately-owned property resulting from a discharge of any hazardous substance or from the removal of any such substance.

"(f)(1) For the purpose of this section the definitions in subsection (a) of section 11 of this Act shall be applicable to the provisions of this section, except as provided in paragraph (2) of this subsection: Ante, p. 91.

"(2) For the purpose of this section, the term— Definitions.

"(A) 'remove' or 'removal' refers to removal of the hazardous substances from the water and shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, and public and private property, shorelines, and beaches;

"(B) 'owner or operator' means any person owning, operating, chartering by demise, or otherwise controlling the operations of, a vessel, or any person owning, operating, or otherwise controlling the operations of an onshore or offshore facility; and

"(C) 'offshore or onshore facility' means any facility of any kind and related appurtenances thereto which is located in, on, or under the surface of any land, or permanently or temporarily affixed to any land, including lands beneath the navigable waters of the United States and which is used or capable of use for the purpose of processing, transporting, producing, storing, or transferring for commercial purposes any hazardous substance designated under this section.

"(g) The President shall submit a report to the Congress, together with his recommendations, not later than November 1, 1970, on the need for, and desirability of, enacting legislation to impose liability for the cost of removal of hazardous substances discharged from vessels and onshore and offshore facilities subject to this section including financial responsibility requirements. In preparing this report, the President shall conduct an accelerated study which shall include, but not be limited to, the method and measures for controlling hazardous substances to prevent this discharge, and the most appropriate measures for (1) enforcement (including the imposition of civil and criminal penalties for discharges and for failure to notify) and (2) recovery of costs incurred by the United States if removal is undertaken by the United States. In carrying out this study, the President shall consult with the interested representatives of the various public and private groups that would be affected by such legislation as well as other interested persons. Presidential report and recommendations to Congress.

"(h) Any moneys in the funds established by section 11 of this Act shall be available to the President to carry out the purposes of this section. In carrying out this section the President shall utilize the personnel, services, and facilities of Federal departments, agencies, and instrumentalities in such manner as will avoid duplication of effort.

"CONTROL OF SEWAGE FROM VESSELS

Definitions.

"SEC. 13. (a) For the purpose of this section, the term—

"(1) 'new vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which is initiated after promulgation of standards and regulations under this section;

"(2) 'existing vessel' includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States, the construction of which is initiated before promulgation of standards and regulations under this section;

"(3) 'public vessel' means a vessel owned or bareboat chartered and operated by the United States, by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce;

"(4) 'United States' includes the States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Canal Zone, and the Trust Territory of the Pacific Islands;

"(5) 'marine sanitation device' includes any equipment for installation on board a vessel which is designed to receive, retain, treat, or discharge sewage, and any process to treat such sewage;

"(6) 'sewage' means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

"(7) 'manufacture' means any person engaged in the manufacturing, assembling, or importation of marine sanitation devices or of vessels subject to standards and regulations promulgated under this section;

"(8) 'person' means an individual, partnership, firm, corporation, or association, but does not include an individual on board a public vessel;

"(9) 'discharge' includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

Standards.
Post, p. 112.

"(b) (1) As soon as possible, after the enactment of this section and subject to the provisions of section 5(j) of this Act, the Secretary, after consultation with the Secretary of the department in which the Coast Guard is operating, after giving appropriate consideration to the economic costs involved, and within the limits of available technology, shall promulgate Federal standards of performance for marine sanitation devices (hereafter in this section referred to as 'standards') which shall be designed to prevent the discharge of untreated or inadequately treated sewage into or upon the navigable waters of the United States from new vessels and existing vessels, except vessels not equipped with installed toilet facilities. Such standards shall be consistent with maritime safety and the marine and navigation laws and regulations and shall be coordinated with the regulations issued under this subsection by the Secretary of the department in which the Coast Guard is operating. The Secretary of the department in which the Coast Guard is operating shall promulgate regulations, which are consistent with standards promulgated under this subsection and with maritime safety and the marine and navigation laws and regulations, governing the design, construction, installation, and operation of any marine sanitation device on board such vessels.

"(2) Any existing vessel equipped with a marine sanitation device on the date of promulgation of initial standards and regulations under this section, which device is in compliance with such initial standards

and regulations, shall be deemed in compliance with this section until such time as the device is replaced or is found not to be in compliance with such initial standards and regulations.

Effective dates of standards and regulations.

"(c)(1) Initial standards and regulations under this section shall become effective for new vessels two years after promulgation; and for existing vessels five years after promulgation. Revisions of standards and regulations shall be effective upon promulgation, unless another effective date is specified, except that no revision shall take effect before the effective date of the standard or regulation being revised.

"(2) The Secretary of the department in which the Coast Guard is operating with regard to his regulatory authority established by this section, after consultation with the Secretary, may distinguish among classes, types, and sizes of vessels as well as between new and existing vessels, and may waive applicability of standards and regulations as necessary or appropriate for such classes, types, and sizes of vessels (including existing vessels equipped with marine sanitation devices on the date of promulgation of the initial standards required by this section), and, upon application, for individual vessels.

"(d) The provisions of this section and the standards and regulations promulgated hereunder apply to vessels owned and operated by the United States unless the Secretary of Defense finds that compliance would not be in the interest of national security. With respect to vessels owned and operated by the Department of Defense, regulations under the last sentence of subsection (b)(1) and certifications under subsection (g)(2) of this section shall be promulgated and issued by the Secretary of Defense.

"(e) Before the standards and regulations under this section are promulgated, the Secretary and the Secretary of the department in which the Coast Guard is operating shall consult with the Secretary of State; the Secretary of Health, Education, and Welfare; the Secretary of Defense; the Secretary of the Treasury; the Secretary of Commerce; other interested Federal agencies; and the States and industries interested; and otherwise comply with the requirements of section 553 of title 5 of the United States Code.

80 Stat. 383.

"(f) After the effective date of the initial standards and regulations promulgated under this section, no State or political subdivision thereof shall adopt or enforce any statute or regulation of such State or political subdivision with respect to the design, manufacture, or installation or use of any marine sanitation device on any vessel subject to the provisions of this section. Upon application by a State, and where the Secretary determines that any applicable water quality standards require such a prohibition, he shall by regulation completely prohibit the discharge from a vessel of any sewage (whether treated or not) into those waters of such State which are the subject of the application and to which such standards apply.

"(g)(1) No manufacturer of a marine sanitation device shall sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States for sale or resale any marine sanitation device manufactured after the effective date of the standards and regulations promulgated under this section unless such device is in all material respects substantially the same as a test device certified under this subsection.

"(2) Upon application of the manufacturer, the Secretary of the department in which the Coast Guard is operating shall so certify a marine sanitation device if he determines, in accordance with the provisions of this paragraph, that it meets the appropriate standards and regulations promulgated under this section. The Secretary of the department in which the Coast Guard is operating shall test or require such testing of the device in accordance with procedures set forth by

the Secretary as to standards of performance and for such other purposes as may be appropriate. If the Secretary of the department in which the Coast Guard is operating determines that the device is satisfactory from the standpoint of safety and any other requirements of maritime law or regulation, and after consideration of the design, installation, operation, material, or other appropriate factors, he shall certify the device. Any device manufactured by such manufacturer which is in all material respects substantially the same as the certified test device shall be deemed to be in conformity with the appropriate standards and regulations established under this section.

Recordkeeping.

"(3) Every manufacturer shall establish and maintain such records, make such reports, and provide such information as the Secretary or the Secretary of the department in which the Coast Guard is operating may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this section and regulations issued thereunder and shall, upon request of an officer or employee duly designated by the Secretary or the Secretary of the department in which the Coast Guard is operating, permit such officer or employee at reasonable times to have access to and copy such records. All information reported to or otherwise obtained by, the Secretary or the Secretary of the department in which the Coast Guard is operating or their representatives pursuant to this subsection which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this section. This paragraph shall not apply in the case of the construction of a vessel by an individual for his own use.

62 Stat. 791.

"(h) After the effective date of standards and regulations promulgated under this section, it shall be unlawful—

"(1) for the manufacturer of any vessel subject to such standards and regulations to manufacture for sale, to sell or offer for sale, or to distribute for sale or resale any such vessel unless it is equipped with a marine sanitation device which is in all material respects substantially the same as the appropriate test device certified pursuant to this section;

"(2) for any person, prior to the sale or delivery of a vessel subject to such standards and regulations to the ultimate purchaser, wrongfully to remove or render inoperative any certified marine sanitation device or element of design of such device installed in such vessel;

"(3) for any person to fail or refuse to permit access to or copying of records or to fail to make reports or provide information required under this section; and

"(4) for a vessel subject to such standards and regulations to operate on the navigable waters of the United States, if such vessel is not equipped with an operable marine sanitation device certified pursuant to this section.

"(i) The district courts of the United States shall have jurisdictions to restrain violations of subsection (g)(1) and subsections (h)(1) through (3) of this section. Actions to restrain such violations shall be brought by, and in, the name of the United States. In case of contumacy or refusal to obey a subpena served upon any person under this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(j) Any person who violates subsection (g) (1) or clause (1) or (2) of subsection (h) of this section shall be liable to a civil penalty of not more than $5,000 for each violation. Any person who violates clause (4) of subsection (h) of this section or any regulation issued pursuant to this section shall be liable to a civil penalty of not more than $2,000 for each violation. Each violation shall be a separate offense. The Secretary of the department in which the Coast Guard is operating may assess and compromise any such penalty. No penalty shall be assessed until the person charged shall have been given notice and an opportunity for a hearing on such charge. In determining the amount of the penalty, or the amount agreed upon in compromise, the gravity of the violation, and the demonstrated good faith of the person charged in attempting to achieve rapid compliance, after notification of a violation, shall be considered by said Secretary. Penalty.

"(k) The provisions of this section shall be enforced by the Secretary of the department in which the Coast Guard is operating and he may utilize by agreement, with or without reimbursement, law enforcement officers or other personnel and facilities of the Secretary, other Federal agencies, or the States to carry out the provisions of this section.

"(l) Anyone authorized by the Secretary of the department in which the Coast Guard is operating to enforce the provisions of this section may, except as to public vessels, (1) board and inspect any vessel upon the navigable waters of the United States and (2) execute any warrant or other process issued by an officer or court of competent jurisdiction.

"(m) In the case of Guam, actions arising under this section may be brought in the district court of Guam, and in the case of the Virgin Islands such actions may be brought in the district court of the Virgin Islands. In the case of American Samoa and the Trust Territory of the Pacific Islands, such actions may be brought in the District Court of the United States for the District of Hawaii and such court shall have jurisdiction of such actions. In the case of the Canal Zone, such actions may be brought in the District Court for the District of the Canal Zone.

"Area Acid and Other Mine Water Pollution Control Demonstrations

"Sec. 14. (a) The Secretary in cooperation with other Federal departments, agencies, and instrumentalities is authorized to enter into agreements with any State or interstate agency to carry out one or more projects to demonstrate methods for the elimination or control, within all or part of a watershed, of acid or other mine water pollution resulting from active or abandoned mines. Such projects shall demonstrate the engineering and economic feasibility and practicality of various abatement techniques which will contribute substantially to effective and practical methods of acid or other mine water pollution elimination or control.

"(b) The Secretary, in selecting watersheds for the purposes of this section, shall (1) require such feasibility studies as he deems appropriate, (2) give preference to areas which have the greatest present or potential value for public use for recreation, fish and wildlife, water supply, and other public uses, and (3) be satisfied that the project area will not be affected adversely by the influx of acid or other mine water pollution from nearby sources.

"(c) Federal participation in such projects shall be subject to the conditions—

"(1) that the State or interstate agency shall pay not less than 25 per centum of the actual project costs which payment may be in any form, including, but not limited to, land or interests therein

that is needed for the project, or personal property or services, the value of which shall be determined by the Secretary; and

"(2) that the State or interstate agency shall provide legal and practical protection to the project area to insure against any activities which will cause future acid or other mine water pollution.

Appropriation.

"(d) There is authorized to be appropriated $15,000,000 to carry out the provisions of this section, which sum shall be available until expended. No more than 25 per centum of the total funds available under this section in any one year shall be granted to any one State.

"Pollution Control in Great Lakes

Demonstration projects, Federal aid to States.

"Sec. 15. (a) The Secretary, in cooperation with other Federal departments, agencies, and instrumentalities is authorized to enter into agreements with any State, political subdivision, interstate agency, or other public agency, or combination thereof, to carry out one or more projects to demonstrate new methods and techniques and to develop preliminary plans for the elimination or control of pollution, within all or any part of the watersheds of the Great Lakes. Such projects shall demonstrate the engineering and economic feasibility and practicality of removal of pollutants and prevention of any polluting matter fr[illegible] entering into the Great Lakes in the future and other abatement a[illegible] remedial techniques which will contribute substantially to effective and practical methods of water pollution elimination or control.

"(b) Federal participation in such projects shall be subject to the condition that the State, political subdivision, interstate agency, or other public agency, or combination thereof, shall pay not less than 25 per centum of the actual project costs, which payment may be in any form, including, but not limited to, land or interests therein that is needed for the project, and personal property or services the value of which shall be determined by the Secretary.

Appropriation.

"(c) There is authorized to be appropriated $20,000,000 to carry out the provisions of this section, which sum shall be available until expended.

"Training Grants and Contracts

Colleges, water quality control.

"Sec. 16. The Secretary is authorized to make grants to or contracts with institutions of higher education, or combinations of such institutions, to assist them in planning, developing, strengthening, improving, or carrying out programs or projects for the preparation of undergraduate students to enter an occupation which involves the design, operation, and maintenance of treatment works, and other facilities whose purpose is water quality control. Such grants or contracts m[illegible] include payment of all or part of the cost of programs or proje[illegible] such as—

"(A) planning for the development or expansion of programs or projects for training persons in the operation and maintenance of treatment works;

"(B) training and retraining of faculty members;

"(C) conduct of short-term or regular session institutes for study by persons engaged in, or preparing to engage in, the preparation of students preparing to enter an occupation involving the operation and maintenance of treatment works;

"(D) carrying out innovative and experimental programs of cooperative education involving alternate periods of full-time or part-time academic study at the institution and periods of full-time or part-time employment involving the operation and maintenance of treatment works; and

"(E) research into, and development of, methods of training students or faculty, including the preparation of teaching materials and the planning of curriculum.

"APPLICATION FOR TRAINING GRANT OR CONTRACT; ALLOCATION OF GRANTS OR CONTRACTS

"SEC. 17. (1) A grant or contract authorized by section 16 may be made only upon application to the Secretary at such time or times and containing such information as he may prescribe, except that no such application shall be approved unless it— Conditions.

"(A) sets forth programs, activities, research, or development for which a grant is authorized under section 16, and describes the relation to any program set forth by the applicant in an application, if any, submitted pursuant to section 18;

"(B) provides such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section; and

"(C) provides for making such reports, in such form and containing such information, as the Secretary may require to carry out his functions under this section, and for keeping such records and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports. Reports to Secretary.

"(2) The Secretary shall allocate grants or contracts under section 16 in such manner as will most nearly provide an equitable distribution of the grants or contracts throughout the United States among institutions of higher education which show promise of being able to use funds effectively for the purposes of this section. Equitable distribution.

"(3)(A) Payment under this section may be used in accordance with regulations of the Secretary, and subject to the terms and conditions set forth in an application approved under subsection (a), to pay part of the compensation of students employed in connection with the operation and maintenance of treatment works, other than as an employee in connection with the operation and maintenance of treatment works or as an employee in any branch of the Government of the United States, as part of a program for which a grant has been approved pursuant to this section. Compensation of employed students.

"(B) Departments and agencies of the United States are encouraged, to the extent consistent with efficient administration, to enter into arrangements with institutions of higher education for the full-time, part-time, or temporary employment, whether in the competitive or excepted service, of students enrolled in programs set forth in applications approved under subsection (a).

"AWARD OF SCHOLARSHIPS

"SEC. 18. (1) The Secretary is authorized to award scholarships in accordance with the provisions of this section for undergraduate study by persons who plan to enter an occupation involving the operation and maintenance of treatment works. Such scholarships shall be awarded for such periods as the Secretary may determine but not to exceed four academic years.

"(2) The Secretary shall allocate scholarships under this section among institutions of higher education with programs approved under the provisions of this section for the use of individuals accepted into such programs, in such manner and according to such plan as will insofar as practicable—

"(A) provide an equitable distribution of such scholarships throughout the United States; and

"(B) attract recent graduates of secondary schools to enter an occupation involving the operation and maintenance of treatment works.

Program approval, conditions.

"(3) The Secretary shall approve a program of an institution of higher education for the purposes of this section only upon application by the institution and only upon his finding—

"(A) that such program has as a principal objective the education and training of persons in the operation and maintenance of treatment works;

"(B) that such program is in effect and of high quality, or can be readily put into effect and may reasonably be expected to be of high quality;

"(C) that the application describes the relation of such program to any program, activity, research, or development set forth by the applicant in an application, if any, submitted pursuant to section 16 of this Act; and

"(D) that the application contains satisfactory assurances that (i) the institution will recommend to the Secretary for the award of scholarships under this section, for study in such program, only persons who have demonstrated to the satisfaction of the institution a serious intent, upon completing the program, to enter an occupation involving the operation and maintenance of treatment works, and (ii) the institution will make reasonable continuing efforts to encourage recipients of scholarships under this section, enrolled in such program, to enter occupations involving the operation and maintenance of treatment works upon completing the program.

Payments to recipient of scholarship and his college.

"(4)(A) The Secretary shall pay to persons awarded scholarships under this section such stipends (including such allowances for subsistence and other expenses for such persons and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

"(B) The Secretary shall (in addition to the stipends paid to persons under subsection (a)) pay to the institution of higher education at which such person is pursuing his course of study such amount as he may determine to be consistent with prevailing practices under comparable federally supported programs.

"(5) A person awarded a scholarship under the provisions of this section shall continue to receive the payments provided in this section only during such periods as the Secretary finds that he is maintaining satisfactory proficiency and devoting full time to study or research in the field in which such scholarship was awarded in an institution of higher education, and is not engaging in gainful employment other than employment approved by the Secretary by or pursuant to regulation.

"(6) The Secretary shall by regulation provide that any person awarded a scholarship under this section shall agree in writing to enter and remain in an occupation involving the design, operation, or maintenance of treatment works for such period after completion of his course of studies as the Secretary determines appropriate.

"DEFINITIONS AND AUTHORIZATIONS

"SEC. 19. (1) As used in sections 16 through 19 of this Act—

"(A) The term 'State' includes the District of Columbia, Puerto Rico, the Canal Zone, Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

"(B) The term 'institution of higher education' means an educational institution described in the first sentence of section 1201 of the Higher Education Act of 1965 (other than an institution of any agency of the United States) which is accredited by a nationally recognized accrediting agency or association approved by the Secretary for this purpose. For purposes of this subsection, the Secretary shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered. Accreditation. 79 Stat. 1269; 82 Stat. 1051. 20 USC 1141.

"(C) The term 'academic year' means an academic year or its equivalent, as determined by the Secretary.

"(2) The Secretary shall annually report his activities under sections 16 through 19 of this Act, including recommendations for needed revisions in the provisions thereof. Annual report.

"(3) There are authorized to be appropriated $12,000,000 for the fiscal year ending June 30, 1970, $25,000,000 for the fiscal year ending June 30, 1971, and $25,000,000 for the fiscal year ending June 30, 1972, to carry out sections 16 through 19 of this Act (and planning and related activities in the initial fiscal year for such purpose). Funds appropriated for the fiscal year ending June 30, 1970, under authority of this subsection shall be available for obligation pursuant to the provisions of sections 16 through 19 of this Act during that year and the succeeding fiscal year. Appropriations.

"ALASKA VILLAGE DEMONSTRATION PROJECTS

"SEC. 20. (a) The Secretary is authorized to enter into agreements with the State of Alaska to carry out one or more projects to demonstrate methods to provide for central community facilities for safe water and the elimination or control of water pollution in those native villages of Alaska without such facilities. Such projects shall include provisions for community safe water supply systems, toilets, bathing and laundry facilities, sewage disposal facilities, and other similar facilities, and educational and informational facilities and programs relating to health and hygiene. Such demonstration projects shall be for the further purpose of developing preliminary plans for providing such safe water and such elimination or control of water pollution for all native villages in such State.

"(b) In carrying out this section the Secretary shall cooperate with the Secretary of Health, Education, and Welfare for the purpose of utilizing such of the personnel and facilities of that Department as may be appropriate.

"(c) The Secretary shall report to Congress not later than January 31, 1973, the results of the demonstration projects authorized by this section together with his recommendations, including any necessary legislation, relating to the establishment of a statewide program. Report to Congress.

"(d) There is authorized to be appropriated not to exceed $1,000,000 to carry out this section." Appropriation.

SEC. 103. Redesignated section 21 of the Federal Water Pollution Control Act, as amended, is amended to read as follows: Ante, p.

"COOPERATION BY ALL FEDERAL AGENCIES IN THE CONTROL OF POLLUTION

"SEC. 21. (a) Each Federal agency (which term is used in this section includes Federal departments, agencies, and instrumentalities) having jurisdiction over any real property or facility, or engaged in any Federal public works activity of any kind, shall, consistent with the paramount interest of the United States as determined by the President, insure compliance with applicable water quality standards Federal agencies, alleged pollution, hearings.

and the purposes of this Act in the administration of such property, facility, or activity. In his summary of any conference pursuant to section 10(d)(4) of this Act, the Secretary shall include references to any discharges allegedly contributing to pollution from any such Federal property, facility, or activity, and shall transmit a copy of such summary to the head of the Federal agency having jurisdiction of such property, facility, or activity. Notice of any hearing pursuant to section 10(f) of this Act involving any pollution alleged to be effected by any such discharges shall also be given to the Federal agency having jurisdiction over the property, facility, or activity involved, and the findings and recommendations of the hearing board conducting such hearing shall include references to any such discharges which are contributing to the pollution found by such board.

70 Stat. 504; 79 Stat. 903, 907. 33 USC 466g.

79 Stat. 907; 80 Stat. 1251.

Federal license, State certification.

"(b)(1) Any applicant for a Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters of the United States, shall provide the licensing or permitting agency a certification from the State in which the discharge originates or will originate, or, if appropriate, from the interstate water pollution control agency having jurisdiction over the navigable waters at the point where the discharge originates or will originate, that there is reasonable assurance, as determined by the State or interstate agency that such activity will be conducted in a manner which will not violate applicable water quality standards. Such State or interstate agency shall establish procedures for public notice in the case of all applications for certification by it, and to the extent it deems appropriate, procedures for public hearings in connection with specific applications. In any case where such standards have been promulgated by the Secretary pursuant to section 10(c) of this Act, or where a State or interstate agency has no authority to give such a certification, such certification shall be from the Secretary. If the State, interstate agency, or Secretary, as the case may be, fails or refuses to act on a request for certification, within a reasonable period of time (which shall not exceed one year) after receipt of such request, the certification requirements of this subsection shall be waived with respect to such Federal application. No license or permit shall be granted until the certification required by this section has been obtained or has been waived as provided in the preceding sentence. No license or permit shall be granted if certification has been denied by the State, interstate agency, or the Secretary, as the case may be.

Public notification procedures.

Standards, enforcement.

"(2) Upon receipt of such application and certification the licensing or permitting agency shall immediately notify the Secretary of such application and certification. Whenever such a discharge may affect, as determined by the Secretary, the quality of the waters of any other State, the Secretary within thirty days of the date of notice of application for such Federal license or permit shall so notify such other State, the licensing or permitting agency, and the applicant. If, within sixty days after receipt of such notification, such other State determines that such discharge will affect the quality of its waters so as to violate its water quality standards, and within such sixty-day period notifies the Secretary and the licensing or permitting agency in writing of its objection to the issuance of such license or permit and requests a public hearing on such objection, the licensing or permitting agency shall hold such a hearing. The Secretary shall at such hearing submit his evaluation and recommendations with respect to any such objection to the licensing or permitting agency. Such agency, based upon the recommendations of such State, the Secretary, and upon any additional evidence, if any, presented to the agency at the hearing, shall condition such license or permit in such manner as may be necessary to insure compliance with applicable water quality standards. If

the imposition of conditions cannot insure such compliance such agency shall not issue such license or permit.

"(3) The certification obtained pursuant to paragraph (1) of this subsection with respect to the construction of any facility shall fulfill the requirements of this subsection with respect to certification in connection with any other Federal license or permit required for the operation of such facility unless, after notice to the certifying State, agency, or Secretary, as the case may be, which shall be given by the Federal agency to whom application is made for such operating license or permit, the State, or if appropriate, the interstate agency or the Secretary, notifies such agency within sixty days after receipt of such notice that there is no longer reasonable assurance that there will be compliance with applicable water quality standards because of changes since the construction license or permit certification was issued in (A) the construction or operation of the facility, (B) the characteristics of the waters into which such discharge is made, or (C) the water quality standards applicable to such waters. This paragraph shall be inapplicable in any case where the applicant for such operating license or permit has failed to provide the certifying State, or if appropriate, the interstate agency or the Secretary, with notice of any proposed changes in the construction or operation of the facility with respect to which a construction license or permit has been granted which changes may result in violation of applicable water quality standards.

Prior inspection.

"(4) Prior to the initial operation of any federally licensed or permitted facility or activity which may result in any discharge into the navigable waters of the United States and with respect to which a certification has been obtained pursuant to paragraph (1) of this subsection, which facility or activity is not subject to a Federal operating license or permit, the licensee or permittee shall provide an opportunity for such certifying State or, if appropriate, the interstate agency or the Secretary to review the manner in which the facility or activity shall be operated or conducted for the purposes of assuring that applicable water quality standards will not be violated. Upon notification by the certifying State or, if appropriate, the interstate agency or the Secretary that the operation of any such federally licensed or permitted facility or activity will violate applicable water quality standards, such Federal agency may, after public hearing, suspend such license or permit. If such license or permit is suspended, it shall remain suspended until notification is received from the certifying State, agency, or Secretary, as the case may be, that there is reasonable assurance that such facility or activity will not violate applicable water quality standards.

Standards violation, license suspension.

"(5) Any Federal license or permit with respect to which a certification has been obtained under paragraph (1) of this subsection may be suspended or revoked by the Federal agency issuing such license or permit upon the entering of a judgment under section 10(h) of this Act that such facility or activity has been operated in violation of applicable water quality standards.

70 Stat. 504; 79 Stat. 903, 907. 33 USC 466g.

"(6) No Federal agency shall be deemed to be an applicant for the purposes of this subsection.

"(7) In any case where actual construction of a facility has been lawfully commenced prior to the date of enactment of the Water Quality Improvement Act of 1970, no certification shall be required under this subsection for a license or permit issued after the date of enactment of such Act of 1970 to operate such facility, except that any such license or permit issued without certification shall terminate at the end of the three-year period beginning on the date of enactment of such Act of 1970 unless prior to such termination date the person having such license or permit submits to the Federal agency which issued such license or permit a certification and otherwise meets the requirements of this subsection.

"(8) Except as provided in paragraph (7), any application for a license or permit (A) that is pending on the date of enactment of the Water Quality Improvement Act of 1970 and (B) that is issued within one year following such date of enactment shall not require certification pursuant to this subsection for one year following the issuance of such license or permit, except that any such license or permit issued shall terminate at the end of one year unless prior to that time the licensee or permittee submits to the Federal agency that issued such license or permit a certification and otherwise meets the requirements of this subsection.

"(9)(A) In the case of any activity which will affect water quality but for which there are no applicable water quality standards, no certification shall be required under this subsection, except that the licensing or permitting agency shall impose, as a condition of any license or permit, a requirement that the licensee or permittee shall comply with the purposes of this Act.

Failure to comply, license suspension.

"(B) Upon notice from the State in which the discharge originates or, as appropriate, the interstate agency or the Secretary, that such licensee or permittee has been notified of the adoption of water quality standards applicable to such activity and has failed, after reasonable notice, of not less than six months, to comply with such standards, the license or permit shall be suspended until notification is received from such State or interstate agency or the Secretary that there is reasonable assurance that such activity will comply with applicable water quality standards.

"(c) Nothing in this section shall be construed to limit the authority of any department or agency pursuant to any other provision of law to require compliance with applicable water quality standards. The Secretary shall, upon the request of any Federal department or agency, or State or interstate agency, or applicant, provide, for the purpose of this section, any relevant information on applicable water quality standards, and shall, when requested by any such department or agency or State or interstate agency, or applicant, comment on any methods to comply with such standards.

"(d) In order to implement the provisions of this section, the Secretary of the Army, acting through the Chief of Engineers, is authorized, if he deems it to be in the public interest, to permit the use of spoil disposal areas under his jurisdiction by Federal licensees or permittees, and to make an appropriate charge for such use. Moneys received from such licensees or permittees shall be deposited in the Treasury as miscellaneous receipts."

Ante, p. 91.

SEC. 104. Redesignated section 22 of the Federal Water Pollution Control Act, as amended, is amended by adding at the end thereof the following:

"(f)(1) It is the purpose of this subsection to authorize a program which will provide official recognition by the United States Government to those industrial organizations and political subdivsions of States which during the preceding year demonstrated an outstanding technological achievement or an innovative process, method or device in their waste treatment and pollution abatement programs. The Secretary shall, in consultation with the appropriate State water pollution control agency, establish regulations under which such recognition may be applied for and granted, except that no applicant shall be eligible for an award under this subsection if such applicant is not in total compliance with all applicable water quality standards under this Act, and otherwise does not have a satisfactory record with respect to environmental quality.

"(2) The Secretary shall award a certificate or plaque of suitable design to each industrial organization or political subdivision which qualifies for such recognition under regulations established by this subsection. Awards.

"(3) The President of the United States, the Governor of the appropriate State, the Speaker of the House of Representatives, and the President pro tempore of the Senate shall be notified of the award by the Secretary, and the awarding of such recognition shall be published in the Federal Register." Notification to President of U.S., etc. Publication in Federal Register.

SEC. 105. Section 5 of the Federal Water Pollution Control Act, as amended, is amended as follows: 70 Stat. 499; 75 Stat. 205; 79 Stat. 903; 80 Stat. 1247. 33 USC 466c.

(1) by redesignating subsections (g) and (h) as (m) and (n), respectively, including all references thereto;

(2) by inserting after subsection (f) the following new subsections:

"(g) (1) For the purpose of providing an adequate supply of trained personnel to operate and maintain existing and future treatment works and related activities, and for the purpose of enhancing substantially the proficiency of those engaged in such activities, the Secretary shall finance a pilot program, in cooperation with State and interstate agencies, municipalities, educational institutions, and other organizations and individuals, of manpower development and training and retraining of persons in, or entering into, the field of operation and maintenance of treatment works and related activities. Such program and any funds expended for such a program shall supplement, not supplant, other manpower and training programs and funds available for the purposes of this paragraph. The Secretary is authorized, under such terms and conditions as he deems appropriate, to enter into agreements with one or more States, acting jointly or severally, or with other public or private agencies or institutions for the development and implementation of such a program.

"(2) The Secretary is authorized to enter into agreements with public and private agencies and institutions, and individuals to develop and maintain an effective system for forecasting the supply of, and demand for, various professional and other occupational categories needed for the prevention, control, and abatement of water pollution in each region, State, or area of the United States and, from time to time, to publish the results of such forecasts.

"(3) In furtherance of the purposes of this Act, the Secretary is authorized to—

"(A) make grants to public or private agencies and institutions and to individuals for training projects, and provide for the conduct of training by contract with public or private agencies and institutions and with individuals without regard to sections 3648 and 3709 of the Revised Statutes; 31 USC 529; 41 USC 5.

"(B) establish and maintain research fellowships in the Department of the Interior with such stipends and allowances, including traveling and subsistence expenses, as he may deem necessary to procure the assistance of the most promising research fellowships; and

"(C) provide, in addition to the program established under paragraph (1) of this subsection, training in technical matters relating to the causes, prevention, and control of water pollution for personnel of public agencies and other persons with suitable qualifications.

"(4) The Secretary shall submit, through the President, a report to the Congress within eighteen months from the date of enactment of this subsection, summarizing the actions taken under this subsection and the effectiveness of such actions, and setting forth the number of persons trained, the occupational categories for which training was Report to President and Congress.

provided, the effectiveness of other Federal, State, and local training programs in this field, together with estimates of future needs, recommendations on improving training programs, and such other information and recommendations, including legislative recommendations, as he deems appropriate.

Contract authority.

"(h) The Secretary is authorized to enter into contracts with, or make grants to, public or private agencies and organizations and individuals for (A) the purpose of developing and demonstrating new or improved methods for the prevention, removal, and control of natural or manmade pollution in lakes, including the undesirable effects of nutrients and vegetation, and (B) the construction of publicly owned research facilities for such purpose.

Functions.

"(i) The Secretary shall—

"(A) engage in such research, studies, experiments, and demonstrations as he deems appropriate, relative to the removal of oil from any waters and to the prevention and control of oil pollution;

"(B) publish from time to time the results of such activities; and

"(C) from time to time, develop and publish in the Federal Register specifications and other technical information on the various chemical compounds used as dispersants or emulsifiers in the control of oil spills.

In carrying out this subsection, the Secretary may enter into contracts with, or make grants to, public or private agencies and organizations and individuals.

"(j) The Secretary shall engage in such research, studies, experiments, and demonstrations as he deems appropriate relative to equipment which is to be installed on board a vessel and is designed to receive, retain, treat, or discharge human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes with particular emphasis on equipment to be installed on small recreational vessels. The Secretary shall report to Congress the results of such research, studies, experiments, and demonstrations prior to the effective date of any standards established under section 13 of this Act. In carrying out this subsection the Secretary may enter into contracts with, or make grants to, public or private organizations and individuals.

Report to Congress.

Ante, p. 100.

"(k) In carrying out the provisions of this section relating to the conduct by the Secretary of demonstration projects and the development of field laboratories and research facilities, the Secretary may acquire land and interests therein by purchase, with appropriated or donated funds, by donation, or by exchange for acquired or public lands under his jurisdiction which he classifies as suitable for disposition. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

"(l)(1) The Secretary shall, after consultation with appropriate local, State, and Federal agencies, public and private organizations, and interested individuals, as soon as practicable but not later than two years after the effective date of this subsection, develop and issue to the States for the purpose of adopting standards pursuant to section 10(c) the latest scientific knowledge available in indicating the kind and extent of effects on health and welfare which may be expected from the presence of pesticides in the water in varying quantities. He shall revise and add to such information whenever necessary to reflect developing scientific knowledge.

79 Stat. 907.
33 USC 466g.

"(2) For the purpose of assuring effective implementation of standards adopted pursuant to paragraph (1) the President shall, in consultation with appropriate local, State, and Federal agencies, public and private organizations, and interested individuals, conduct a study and investigation of methods to control the release of pesticides into the environment which study shall include examination of the persistency of pesticides in the water environment and alternatives thereto. The President shall submit a report on such investigation to Congress together with his recommendations for any necessary legislation within two years after the effective date of this subsection."

Pesticide release control study.

Report to Congress.

(3) in redesignated subsection (m) (4) by striking out the words "and June 30, 1969," and inserting in lieu thereof "June 30, 1969, June 30, 1970, and June 30, 1971,";

80 Stat. 1248.

(4) by amending the first sentence of redesignated subsection (n) to read as follows: "There is authorized to be appropriated to carry out this section, other than subsection (g) (1) and (2), not to exceed $65,000,000 per fiscal year for each of the fiscal years ending June 30, 1969, June 30, 1970, and June 30, 1971. There is authorized to be appropriated to carry out subsection (g) (1) of this section $5,000,000 for the fiscal year ending June 30, 1970, and $7,500,000 for the fiscal year ending June 30, 1971. There is authorized to be appropriated to carry out subsection (g) (2) of this section $2,500,000 per fiscal year for each of the fiscal years ending June 30, 1970, and June 30, 1971.".

Ante, p.111.

SEC. 106. Section 6(e) of the Federal Water Pollution Control Act (33 U.S.C. 466c–1) is amended as follows:

Research and development appropriation. 80 Stat. 1247.

(1) Paragraph (1) is amended by striking out "three succeeding fiscal years" and inserting in lieu thereof "five succeeding fiscal years,".

(2) Paragraph (2) is amended by striking out "two succeeding fiscal years," and inserting in lieu thereof "four succeeding fiscal years,".

(3) Paragraph (3) is amended by striking out "two succeeding fiscal years," and inserting in lieu thereof "four succeeding fiscal years,".

SEC. 107. Redesignated section 24 of the Federal Water Pollution Control Act, as amended, is amended by deleting the following: "the Oil Pollution Act, 1924, or".

Ante, p. 91.

SEC. 108. The Oil Pollution Act, 1924 (43 Stat. 604), as amended (80 Stat. 1246–1252), is hereby repealed.

Repeal. 33 USC 431.

SEC. 109. The Secretary of the Interior shall conduct a full and complete investigation and study of the feasibility of all methods of financing the cost of preventing, controlling, and abating water pollution, other than methods authorized by existing law. The results of such investigation and study shall be reported to Congress no later than December 31, 1970, together with the recommendations of the Secretary for financing the programs for preventing, controlling, and abating water pollution for the fiscal years beginning after fiscal year 1971, including any necessary legislation.

Prevention and control study.

Report to Congress.

SEC. 110. (a) The first sentence of section 2 of the Federal Water Pollution Control Act (33 U.S.C. 466–1) is amended by striking out "Federal Water Pollution Control Administration" and inserting in lieu thereof "Federal Water Quality Administration".

79 Stat. 903.

"Federal Water Quality Administration."

(b) Any other law, reorganization plan, regulation, map, document, record, or other paper of the United States in which the Federal Water Pollution Control Administration is referred to shall be held to refer to the Federal Water Quality Administration.

SEC. 111. Section 8(c) of the Federal Water Pollution Control Act is amended in the fourth sentence by inserting after "because of lack

75 Stat. 206; 79 Stat. 903. 33 USC 466e.

of funds" the following: "including States having projects eligible for reimbursement pursuant to the sixth and seventh sentences of this subsection".

Water quality standards. 79 Stat. 908. 33 USC 466g.

SEC. 112. Section 10 of the Federal Water Pollution Control Act, as amended, is amended by adding at the end of subsection (c)(3) the following new sentence: "In establishing such standards the Secretary, the hearing board, or the appropriate State authority shall take into consideration their use and value for navigation."

TITLE II—ENVIRONMENTAL QUALITY

SHORT TITLE

SEC. 201. This title may be cited as the "Environmental Quality Improvement Act of 1970."

FINDINGS, DECLARATIONS, AND PURPOSES

SEC. 202. (a) The Congress finds—

(1) that man has caused changes in the environment;

(2) that many of these changes may affect the relationship between man and his environment; and

(3) that population increases and urban concentration contribute directly to pollution and the degradation of our environment.

(b)(1) The Congress declares that there is a national policy for the environment which provides for the enhancement of environmental quality. This policy is evidenced by statutes heretofore enacted relating to the prevention, abatement, and control of environmental pollution, water and land resources, transportation, and economic and regional development.

(2) The primary responsibility for implementing this policy rests with State and local governments.

(3) The Federal Government encourages and supports implementation of this policy through appropriate regional organizations established under existing law.

(c) The purposes of this title are—

(1) to assure that each Federal department and agency conducting or supporting public works activities which affect the environment shall implement the policies established under existing law; and

Office of Environmental Quality. Authorization. 83 Stat. 852.

(2) to authorize an Office of Environmental Quality, which, notwithstanding any other provision of law, shall provide the professional and administrative staff for the Council on Environmental Quality established by Public Law 91-190.

OFFICE OF ENVIRONMENTAL QUALITY

Establishment.

SEC. 203. (a) There is established in the Executive Office of the President an office to be known as the Office of Environmental Quality (hereafter in this title referred to as the "Office"). The Chairman of

the Council on Environmental Quality established by Public Law 91–190 shall be the Director of the Office. There shall be in the Office a Deputy Director who shall be appointed by the President, by and with the advice and consent of the Senate. 83 Stat. 852.

(b) The compensation of the Deputy Director shall be fixed by the President at a rate not in excess of the annual rate of compensation payable to the Deputy Director of the Bureau of the Budget. Pay.

(c) The Director is authorized to employ such officers and employees (including experts and consultants) as may be necessary to enable the Office to carry out its functions under this title and Public Law 91–190, except that he may employ no more than ten specialists and other experts without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and pay such specialists and experts without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but no such specialist or expert shall be paid at a rate in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of title 5. Duties. 84 STAT. 114 84 STAT. 115 5 USC 5101-5115; 5331-5338. 34 F.R. 9605. 5 USC 5332 note.

(d) In carrying out his functions the Director shall assist and advise the President on policies and programs of the Federal Government affecting environmental quality by—

(1) providing the professional and administrative staff and support for the Council on Environmental Quality established by Public Law 91–190;

(2) assisting the Federal agencies and departments in appraising the effectiveness of existing and proposed facilities, programs, policies, and activities of the Federal Government, and those specific major projects designated by the President which do not require individual project authorization by Congress, which affect environmental quality;

(3) reviewing the adequacy of existing systems for monitoring and predicting environmental changes in order to achieve effective coverage and efficient use of research facilities and other resources;

(4) promoting the advancement of scientific knowledge of the effects of actions and technology on the environment and encourage the development of the means to prevent or reduce adverse effects that endanger the health and well-being of man;

(5) assisting in coordinating among the Federal departments and agencies those programs and activities which affect, protect, and improve environmental quality;

(6) assisting the Federal departments and agencies in the development and interrelationship of environmental quality criteria and standards established through the Federal Government;

(7) collecting, collating, analyzing, and interpreting data and information on environmental quality, ecological research, and evaluation.

(e) The Director is authorized to contract with public or private agencies, institutions, and organizations and with individuals without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5) in carrying out his functions. Contract authority.

REPORT

SEC. 204. Each Environmental Quality Report required by Public Law 91–190 shall, upon transmittal to Congress, be referred to each standing committee having jurisdiction over any part of the subject matter of the Report. Referral to congressional committees.

AUTHORIZATION

Appropriations.

SEC. 205. There are hereby authorized to be appropriated not to exceed $500,000 for the fiscal year ending June 30, 1970, not to exceed $750,000 for the fiscal year ending June 30, 1971, not to exceed $1,250,000 for the fiscal year ending June 30, 1972, and not to exceed $1,500,000 for the fiscal year ending June 30, 1973. These authorizations are in addition to those contained in Public Law 91-190.

83 Stat. 852.

Approved April 3, 1970.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 91-127 (Comm. on Public Works) and No. 91-940 (Comm. of Conference).
SENATE REPORT No. 91-351 accompanying S. 7 (Comm. on Public Works).
CONGRESSIONAL RECORD:
Vol. 115 (1969): Apr. 15, 16, considered and passed House.
Oct. 7, 8, considered and passed Senate, amended, in lieu of S. 7.
Vol. 116 (1970): Mar. 24, Senate agreed to conference report.
Mar. 25, House agreed to conference report.

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